

**EPA's Science Plan for Activities Related to
Dioxins in the Environment**

Deliberative

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To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US
Sent: Mon 5/25/2009 2:34:57 PM
Subject: Re: misc. updates

Thanks. You, too.

From: Richard Windsor/DC/USEPA/US
To: Lisa Heinzerling/DC/USEPA/US@EPA
Date: 05/25/2009 10:31 AM
Subject: Re: misc. updates

And safe travels.

----- Original Message -----

From: Lisa Heinzerling
Sent: 05/25/2009 10:13 AM EDT
To: Richard Windsor
Subject: misc. updates

Hi Lisa --

Before you leave, I wanted to bring you up to date on several items:

1. My whereabouts when you return: I am going to Bonn for the June round of climate talks. I will likely leave next weekend. From there, I will likely go to China with a State-led climate delegation. The trip to China is late-breaking and somewhat uncertain given the timing, but I would very much like to go given China's importance to climate. If I go, I will not be back in the U.S. until around June 11. Please let me know right away if this presents a problem from your perspective.
2. California waiver: While I am in Bonn, OTAQ is scheduled to brief you on the California waiver decision. I received a briefing on this last week, and things look good. There are a couple of tricky issues, such as how to deal with lead time for the current 2009 model year, but all appear soluble. I will be getting a draft of the waiver document this week and will give comments on it before I leave. Your briefing is scheduled for June 3.

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3. Big Stone: EPA Region 8's answer to South Dakota's answer to Region 8's objection to the PSD permit for this proposed new coal-fired power plant is due in early June. Based on briefings from career staff on this matter;

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The next large GHG-related issue is how to deal with pending cases like Big Stone. You and I have briefly discussed this general issue. I will look forward to discussing this with you further when we are both in DC again.

4. Charles Imohiosen: Charles hopes to start work as a special assistant for Bob and me on June 1. I've let Bob know of Charles' plans, but I wanted to let you know, too, since I'll be out of town at that time.

Again, please let me know if any of the suggestions I've made here is troublesome to you.

Have a great trip.

Lisa

EPA Administrator Pledges Strong Federal Cleanup Presence at Dow Dioxin Site in Michigan and Accelerated Assessment of Dioxins' Human Health Impacts

Administrator Lisa P. Jackson today committed to a federal leadership role in expediting the ongoing cleanup of the Michigan Dow Dioxin site and an acceleration of the Environmental Protection Agency's overall scientific review of dioxins.

"EPA is stepping up our commitment to this site, in partnership with the state of Michigan, so that we can accelerate this cleanup and deal with the pressing threats to human health and the environment," said EPA Administrator Lisa P. Jackson. "We are also redoubling our efforts to provide guidance on the science of dioxin health effects to inform cleanup decisions at this site and protect other communities, in Michigan and across the country, facing dioxin contamination."

Dioxins, a class of hundreds of chemicals which are difficult to remove from water and soil, are produced by industries that incinerate waste or manufacture chemicals and pesticides. The Dow Chemical site in Midland, Michigan contains significant dioxin contamination that extends for 50 miles down the Tittabawassee and Saginaw Rivers and into the Saginaw Bay.

In a letter to community members affected by the contamination, Administrator Jackson announced today that EPA, working closely with the Michigan Department of Environmental Quality, will take lead responsibility for cleanup efforts in significant portions of the Saginaw Bay watershed under the federal Superfund program. She said that EPA would commit the resources and expertise necessary to accelerate site investigation and cleanup and protect human health and the environment.

EPA has developed milestones and schedules for achieving a comprehensive and expeditious cleanup and will present them at a public meeting in Michigan on June 17.

As one part of its overall cleanup plan, EPA will continue to negotiate an agreement requiring Dow to sample the rivers and bay for dioxin contamination and identify options for cleanup. Administrator Jackson pledged an unprecedented degree of transparency during these negotiations so the public has a full opportunity to be heard. Once the agreement is in place, EPA will implement a comprehensive public involvement plan going forward.

While EPA hopes to work cooperatively with the company, Jackson said that the agency will not hesitate to use all tools at its disposal – including a wide range of penalties and sanctions – to ensure Dow Chemical upholds its responsibility to clean up this site. If Dow fails to meet its responsibilities, EPA will conduct the cleanup at the company's expense.

Administrator Jackson also announced today that the EPA will accelerate the long-delayed scientific process to complete the assessment of the health risks dioxins pose to the public at the Dow site and many other sites around the country. The Administrator committed to releasing a draft report by December 31, 2009 and a final report and assessment by the end of 2010.

The draft report, which will be subject to public comment and peer review, will address the latest science on the issue and respond to concerns raised by the National Academies of Science in 2006 about a previous EPA draft dioxin assessment.

To provide more immediate guidance at the Dow site and elsewhere, the Administrator also said that, based on a comprehensive review of state cleanup levels and the relevant science, EPA

will announce interim cleanup goals by the end of the year and would review a Dow-funded study on dioxin exposure by September 30.

To view a copy of the Administrator's letter and the EPA's science plan for dioxin, click [here](#):

May ____, 2009

Dear Community Member:

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Sincerely,

Lisa P. Jackson

cc: Michigan Department of Environmental Quality
The Dow Chemical Company

LIST OF ADDRESSES

Ms. Michelle Hurd Riddick
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Mr. Terry Miller, Chairman
Lone Tree Council
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Ms. Kathy Henry
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Ms. Rita Jack
Sierra Club, Mackinac Chapter
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Ms. Abby Rubley
Michigan League of Conservation Voters
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Robert V. Belleman
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Bay City, Michigan 48708

Noel Bush
City of Midland
333 W. Ellsworth Drive
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Joyce Seals, Mayor
City of Saginaw
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Saginaw, Michigan 48601

Veronica Horn, Executive Vice President
Saginaw County Chamber of Commerce
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Saginaw, Michigan 48607

Jason Geer
Midland Chamber of Commerce
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Midland, Michigan 48640

Scott Walker
Midland Tomorrow
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Midland, Michigan 48640

Paul Vasold
Saginaw County Farm Bureau
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Freeland, Michigan 48623

Patrick H. Beson, Chairman
Bay County Board of Commissioners
1480 S. Hueron Road
Kawkaulin, Michigan 48631

James Koski
Public Works Commissioner
Saginaw County
111 S. Michigan Ave
Saginaw, Michigan 48602

Marc McGill
Saginaw County Controller
Saginaw County
111 S. Michigan Ave.
Saginaw, Michigan 48602

Patty Young, Exec. Officer
Midland Board of Realtors
2514 Louanna Street
Midland, Michigan 48640

LIST OF ADDRESSES FOR ELECTRONIC TRANSMISSION

Governor Jennifer Granholm

Senator Carl Levin

Senator Debbie Stabenow

Representative Dave Camp

Representative Dale Kildee

Honorable Roger Kahn, Michigan State Senate

Honorable Tony Stamas, Michigan State Senate

Honorable Jim Barcia, Michigan State Senate

Honorable Bill Caul, Michigan House of Representatives

Honorable Jim Stamas, Michigan House of Representatives

Honorable Jeff Mayes, Michigan House of Representatives

Honorable Tim Moore, Michigan House of Representatives

Honorable Ken Horn, Michigan House of Representatives

Honorable Andy Coulouris, Michigan House of Representatives

To: "Boots, Michael J." [Personal Privacy]
Cc: "Weiss, Michael I." [Personal Privacy] N=Diane
Thompson/OU=DC/O=USEPA/C=US@EPA[]
Bcc: CN=Richard Windsor/OU=DC/O=USEPA/C=US[]
From: CN=Bob Sussman/OU=DC/O=USEPA/C=US
Sent: Mon 5/25/2009 1:33:19 PM
Subject: RE: Interagency Meeting on Ocean Policy - June 2, 2009
[Personal Privacy]

Thanks Michael. These files are accessible and I've read through them.

An immediate concern is the inclusion of the Great Lakes, for which there is a well-developed US/Canada governance structure, an established EPA office and a multi-agency Presidential initiative funded through EPA. The regulatory and technical challenges posed by the Great Lakes would seem very different from those presented by oceans and I would think that adding the Great Lakes would complicate the mission of the new interagency group.

Could you shed some light on the thinking behind the inclusion of the Great lakes? Is this an outgrowth of discussions with Chairman Dicks?

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

From: "Boots, Michael J." [Personal Privacy]
To: Bob Sussman/DC/USEPA/US@EPA
Cc: "Weiss, Michael I." [Personal Privacy]
Date: 05/24/2009 09:15 PM
Subject: RE: Interagency Meeting on Ocean Policy - June 2, 2009

Sorry about that, Bob. Attached are the files again in both Microsoft Word and PDF formats. Please let me know if these work.

I'm glad you emailed, though, as I was planning to get in touch with you this weekend anyway about these documents. As described in the attachments, we are hoping to move this discussion forward sooner rather than later, not least of which because National Oceans Month is coming up in June. A typical presidential proclamation will be issued in early June and we are also looking to issue a presidential directive (draft attached) at the same time. That said, in order to issue the directive on time, we are looking to get feedback from relevant agencies BEFORE the June 2nd interagency meeting.

As a result, I'm hoping that you can forward this to the appropriate folks within EPA who should see this and ask that they be back in touch with both me and Michael Weiss (copied here, at

[Personal Privacy] with any comments no later than Thursday, May 28th.

If you have any questions or would like to talk this through, I'd be more than happy to do so. I'll be on the road in the Pacific Northwest until Thursday morning, but feel free to reach out if you'd like to discuss it.

All the best,
Mike

From: Sussman.Bob@epamail.epa.gov [mailto:Sussman.Bob@epamail.epa.gov]
Sent: Sunday, May 24, 2009 9:58 AM
To: Boots, Michael J.
Subject: Re: Interagency Meeting on Ocean Policy - June 2, 2009

Mike -- i am unable to open these attachments. Could you send in another format (Word)?

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

From: "Boots, Michael J." [Personal Privacy]
To: <John.R.Norris@osec.usda.gov>, <Jett@osec.usda.gov>, <Robert.Bonnie@osec.usda.gov>, <emoran@doc.gov>, <TSullivan@doc.gov>, <Monica.Medina@noaa.gov>, "Mayekar, Samir S." [Personal Privacy] <rock.salt@us.army.mil>, <james.pederson@ferc.gov>, <noah.kroloff@dhs.gov>, <Amy.Shlossman@dhs.gov>, <thomas_strickland@ios.doi.gov>, <renee_stone@ios.doi.gov>, <Laura_Davis@ios.doi.gov>, <MillsCD@state.gov>, <sullivanjj@state.gov>, <abedinh@state.gov>, <baltonda@state.gov>, Diane Thompson/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, "Fitzpatrick, Michael A." [Personal Privacy] "Lippert, Mark W." [Personal Privacy] "Hurlbut, Brandon K." [Personal Privacy] "Kalil, Thomas A." [Personal Privacy] "Abbott, Shere" [Personal Privacy]
Cc: "Sutley, Nancy H." [Personal Privacy] "Ericsson, Sally C." [Personal Privacy] "Briggs, Xavier D." [Personal Privacy] "Carson, Jonathan K." [Personal Privacy] "Buffa, Nicole" [Personal Privacy] "Weiss, Michael I." [Personal Privacy] "Herman, Juliana B." [Personal Privacy]
Date: 05/21/2009 03:04 PM
Subject: Interagency Meeting on Ocean Policy - June 2, 2009

Dear All:

CEQ and OMB would like to convene an interagency meeting with agencies and departments that have jurisdiction over, or significant interest in, ocean uses and resources. The goal of this meeting is to discuss a recommended interagency structure for the development of a national ocean policy, development of a recommended framework for effectively addressing marine spatial planning, and review of the existing federal ocean governance structure. Attached for your review is a memorandum outlining recommendations on a proposed framework and an internal draft directive that would establish the interagency structure.

Please see the attached invitation for meeting details and relevant contact information. We look forward to seeing you for this important conversation.

All the best,
Mike

Michael Boots

Associate Director for Land and Water Ecosystems
White House Council on Environmental Quality
730 Jackson Place NW
Washington, DC 20530

Main Line: **Personal Privacy**

Direct: **Personal Privacy**

[attachment "CEQ OMB invite on ocean policy 5-21-09.docx" deleted by Bob Sussman/DC/USEPA/US] [attachment "Ocean Policy Recommended Structure 5-21-09.docx" deleted by Bob Sussman/DC/USEPA/US] [attachment "Draft Ocean Policy Directive 5-21-09.docx" deleted by Bob Sussman/DC/USEPA/US]
[attachment "CEQ OMB invite on ocean policy 5-21-09.docx" deleted by Bob Sussman/DC/USEPA/US] [attachment "Draft Ocean Policy Directive 5-21-09.pdf" deleted by Bob Sussman/DC/USEPA/US] [attachment "Ocean Policy Recommended Structure 5-21-09.pdf" deleted by Bob Sussman/DC/USEPA/US] [attachment "CEQ OMB invite on ocean policy 5-21-09.pdf" deleted by Bob Sussman/DC/USEPA/US] [attachment "Draft Ocean Policy Directive 5-21-09.docx" deleted by Bob Sussman/DC/USEPA/US] [attachment "Ocean Policy Recommended Structure 5-21-09.docx" deleted by Bob Sussman/DC/USEPA/US]

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US
Sent: Mon 5/25/2009 2:13:57 PM
Subject: misc. updates

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To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]; N=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Bob Sussman/OU=DC/O=USEPA/C=US
Sent: Mon 5/25/2009 6:03:53 PM
Subject: Re: New Thinking on the FY 11 Budget

This is helpful input. Thanks for laying down some markers. While you're gone the three of us will put our heads together to build on your ideas. We'll also need to start a conversation with sally and folks like Bob p and Mike m. We don't have much time.

----- Original Message -----

From: Richard Windsor

Sent: 05/25/2009 01:00 PM EDT

To: Bob Sussman; Diane Thompson; Scott Fulton

Cc: Eric Wachter

Subject: Re: New Thinking on the FY 11 Budget

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Thx, Lj

----- Original Message -----

From: Bob Sussman

Sent: 05/24/2009 11:25 AM EDT

To: Richard Windsor; Diane Thompson; Scott Fulton

Cc: Eric Wachter

Subject: New Thinking on the FY 11 Budget

Lisa -- I wanted to follow-up on our brief discussion of the budget process on Friday and bring Diane and Scott into the loop to be sure we capture their thoughts on next steps.

As the enclosed materials indicate, we are moving toward a Budget Forum on July 23 at which you and the senior leadership of the Agency will respond to a straw budget developed by OCFO. In preparation for this exercise, OCFO is asking each office to identify "low priority" items representing approximately 10 percent of the proposed FY 10 budget. These items would presumably offer opportunities for savings that would offset increased funding for the high-priority areas that were presented at last Monday's planning meeting.

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Looking for guidance, Lisa, and reactions and suggestions from Diane and Scott.

Robert M. Sussman

Senior Policy Counsel to the Administrator

Office of the Administrator

US Environmental Protection Agency

----- Forwarded by Bob Sussman/DC/USEPA/US on 05/24/2009 10:12 AM -----

From: Budget and Planning Box

To: Assistant Administrators, General Counsel, Inspector General, RA, Ray Spears/DC/USEPA/US@EPA

Cc: Diane Thompson/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Eric Wachter/DC/USEPA/US@EPA, Daniel Gerasimowicz/DC/USEPA/US@EPA, Robert Goulding/DC/USEPA/US@EPA, Deputy Associate Administrators, DAA, Barbara Finazzo/R2/USEPA/US@EPA, Beverly Banister/R4/USEPA/US@EPA, Bharat Mathur/R5/USEPA/US@EPA, Carol Rushin/R8/USEPA/US@EPA, George Pavlou/R2/USEPA/US@EPA, Ira Leighton/R1/USEPA/US@EPA, Jane Diamond/R9/USEPA/US@EPA, Jim Newsom/R3/USEPA/US, Laura Yoshii/R9/USEPA/US@EPA, Lawrence Starfield/R6/USEPA/US@EPA, Lynda Carroll/R6/USEPA/US@EPA, Martha Cuppy/R7/USEPA/US@EPA, Michelle Pirzadeh/R10/USEPA/US@EPA, Mike Gearheard/R10/USEPA/US@EPA, Stan Meiburg/R4/USEPA/US@EPA, Stephen Perkins/R1/USEPA/US@EPA, Walter Kovalick/R5/USEPA/US@EPA, William Rice/RGAD/R7/USEPA/US@EPA, Mike Gaydosh/R8/USEPA/US@EPA, ARA, OCFO-SBO, OCFO-Regional Planning Staff and Headquarters Contacts, bloom.david@epa.gov, terris.carol@epa.gov, Rita Smith/DC/USEPA/US@EPA, Phillip Juengst/DC/USEPA/US@EPA, Maria Williams/DC/USEPA/US@EPA, Laura Palmer/DC/USEPA/US@EPA, Khanh Nguyen/DC/USEPA/US@EPA, Diane Kelty/DC/USEPA/US@EPA, Maria Gomez-Taylor/DC/USEPA/US@EPA, Pamala List/DC/USEPA/US@EPA, OCFO-RPROS, Pamela Luttner/DC/USEPA/US@EPA

Date: 05/21/2009 06:00 PM

Subject: ON BEHALF OF MARYANN FROELICH: Lower Priority Targets for FY 2011

Attached is guidance on identifying "Lower Priority Targets for FY 2011".

OCFO has provided targets for each office as well as a format to be used for this submission (Attachment 3). This material will be used as we go forward with the Agency's straw budget to be discussed at the July 23rd Budget Forum. Offices are asked to work with the lead region in identifying these lower priorities.

This information is due to OCFO by COB on Thursday, June 18, 2009. Please contact Pamela Luttner at 202-564-3107 or Maria Williams at 202-564-3021 if you have questions.

[attachment "Memo_05_21_2009.pdf" deleted by Richard Windsor/DC/USEPA/US]

[attachment "Memo_04_17_2009.pdf" deleted by Richard Windsor/DC/USEPA/US]

[attachment "FY 2011 Budget Target Attachment 2.xls" deleted by Richard Windsor/DC/USEPA/US]

[attachment "FY.2011.LP.Attachment.3.xls" deleted by Richard Windsor/DC/USEPA/US]

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Bob Sussman/OU=DC/O=USEPA/C=US
Sent: Mon 5/25/2009 8:44:43 PM
Subject: Fw: Interagency Meeting on Ocean Policy - June 2, 2009

Personal Privacy

<mailto:Sussman.Bob@epamail.epa.gov>

CEQ's response to our question about the Great Lakes. There's no big political agenda here, just precedent. Still, we need to think through whether past precedent should be our guide now.

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency
----- Forwarded by Bob Sussman/DC/USEPA/US on 05/25/2009 04:39 PM -----

From: "Boots, Michael J." **Personal Privacy**
To: Bob Sussman/DC/USEPA/US@EPA
Cc: "Weiss, Michael I." **Personal Privacy** Diane Thompson/DC/USEPA/US@EPA
Date: 05/25/2009 10:47 AM
Subject: RE: Interagency Meeting on Ocean Policy - June 2, 2009

Thanks for the reply, Bob – and good question! It's one we asked ourselves. The short answer is that we are simply following tradition. In the late 1990s, when the Clinton Admin did an interagency oceans plan, it covered "oceans, coasts and Great Lakes." When both the Pew Oceans Commission and the US Commission on Ocean Policy released their findings and recommendations, they covered the same three (oceans, coasts and Great Lakes). The current Executive Order from 2004 covering this set of issues (EO 13366), along with the US Ocean Action Plan that outlined how it would be implemented, covered the same three.

At the same time,. I fully appreciate your comments about the already established governance and management structures associated with the Great Lakes. Our inclusion of the Great Lakes in this draft order had much more to do with our desire to mirror their treatment in past federal policy efforts (and to ensure that no one in the Great Lakes felt we were somehow now altering how we viewed that resource) than anything more. We had drafted all of this stuff well before the interaction with Chairman Dicks over the last few weeks.

The bottom line is that I think you raise a good point, and it's one the interagency group should discuss. I think we should, as a group, think about the advantages and disadvantages of looping the Great Lakes into this effort and the likely perception that will be greeted with either way.

Thanks again, Bob.

All the best,
Mike

Michael Boots
Associate Director for Land and Water Ecosystems
White House Council on Environmental Quality
730 Jackson Place NW

Washington, DC 20530
Main Line: [Personal Privacy]
Direct: [Personal Privacy]

From: Sussman.Bob@epamail.epa.gov [mailto:Sussman.Bob@epamail.epa.gov]
Sent: Monday, May 25, 2009 9:33 AM
To: Boots, Michael J.
Cc: Weiss, Michael I.; Thompson.Diane@epamail.epa.gov
Subject: RE: Interagency Meeting on Ocean Policy - June 2, 2009

Thanks Michael. These files are accessible and I've read through them.

An immediate concern is the inclusion of the Great Lakes, for which there is a well-developed US/Canada governance structure, an established EPA office and a multi-agency Presidential initiative funded through EPA. The regulatory and technical challenges posed by the Great Lakes would seem very different from those presented by oceans and I would think that adding the Great Lakes would complicate the mission of the new interagency group.

Could you shed some light on the thinking behind the inclusion of the Great lakes? Is this an outgrowth of discussions with Chairman Dicks?

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

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To: Bob Sussman/DC/USEPA/US@EPA
Cc: "Weiss, Michael I." [Personal Privacy]
Date: 05/24/2009 09:15 PM
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As a result, I'm hoping that you can forward this to the appropriate folks within EPA who should see this and ask that they be back in touch with both me and Michael Weiss (copied here, at mweiss@ceq.eop.gov) with any comments no later than Thursday, May 28th.

If you have any questions or would like to talk this through, I'd be more than happy to do so. I'll be on the road in

the Pacific Northwest until Thursday morning, but feel free to reach out if you'd like to discuss it.

All the best,
Mike

From: Sussman.Bob@epamail.epa.gov [mailto:Sussman.Bob@epamail.epa.gov]
Sent: Sunday, May 24, 2009 9:58 AM
To: Boots, Michael J.
Subject: Re: Interagency Meeting on Ocean Policy - June 2, 2009

Mike -- i am unable to open these attachments. Could you send in another format (Word)?

Robert M. Sussman
Senior Policy Counsel to the Administrator
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US Environmental Protection Agency

From: "Boots, Michael J." [Personal Privacy]
To: <John.R.Norris@osec.usda.gov>, <Jett@osec.usda.gov>, <Robert.Bonnie@osec.usda.gov>, <emoran@doc.gov>, <TSullivan@doc.gov>, <Monica.Medina@noaa.gov>, "Mayekar, Samir S." [Personal Privacy] <rock.salt@us.army.mil>, <james.pederson@ferc.gov>, <noah.kroloff@dhs.gov>, <Amy.Shlossman@dhs.gov>, <thomas_strickland@ios.doi.gov>, <renee_stone@ios.doi.gov>, <Laura_Davis@ios.doi.gov>, <MillsCD@state.gov>, <sullivanjj@state.gov>, <abedinh@state.gov>, <baltonda@state.gov>, Diane Thompson/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, "Fitzpatrick, Michael A." [Personal Privacy] "Lippert, Mark W." [Personal Privacy] "Hurlbut, Brandon K." [Personal Privacy] "Kalil, Thomas A." [Personal Privacy] "Abbott, Shere" [Personal Privacy]
Cc: "Sutley, Nancy H." [Personal Privacy] "Ericsson, Sally C." [Personal Privacy] "Briggs, Xavier D." [Personal Privacy] "Carson, Jonathan K." [Personal Privacy] "Buffa, Nicole" [Personal Privacy] "Weiss, Michael I." [Personal Privacy] "Herman, Juliana B." [Personal Privacy]
Date: 05/21/2009 03:04 PM
Subject: Interagency Meeting on Ocean Policy - June 2, 2009

Dear All:

CEQ and OMB would like to convene an interagency meeting with agencies and departments that have jurisdiction over, or significant interest in, ocean uses and resources. The goal of this meeting is to discuss a recommended interagency structure for the development of a national ocean policy, development of a recommended framework for effectively addressing marine spatial planning, and review of the existing federal ocean governance structure. Attached for your review is a memorandum outlining recommendations on a proposed framework and an internal draft directive that would establish the interagency structure.

Please see the attached invitation for meeting details and relevant contact information. We look forward to seeing you for this important conversation.

All the best,
Mike

Michael Boots

Associate Director for Land and Water Ecosystems

White House Council on Environmental Quality

730 Jackson Place NW

Washington, DC 20530

Main Line: Personal Privacy

Direct: Personal Privacy

[attachment "CEQ OMB invite on ocean policy 5-21-09.docx" deleted by Bob Sussman/DC/USEPA/US] [attachment "Ocean Policy Recommended Structure 5-21-09.docx" deleted by Bob Sussman/DC/USEPA/US] [attachment "Draft Ocean Policy Directive 5-21-09.docx" deleted by Bob Sussman/DC/USEPA/US]

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To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA[]; N=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US
Sent: Tue 5/26/2009 9:27:21 PM
Subject: Sunflower power plant in Kansas

Lisa,

No doubt you have heard about the long-running dispute in Kansas over a proposal to build the "Sunflower" power plant. This facility was originally proposed as two 700-megawatt, coal-fired power plants. Based on Kansas state law, the Secretary of the Kansas Department of Health and Environment (KDHE) denied a permit for the facility in October 2007, citing concerns about climate change. While governor, Kathleen Sebelius vetoed three separate bills that would have overturned the denial of the permit under state law.

In early May, the new Kansas governor, Mark Parkinson, reached an agreement with the developers of the plant. The agreement would grant approval to construct one 895-megawatt plant. The agreement also requires construction or purchase of wind resources, use of biomass on the unit already existing at the relevant location, particular emission rates for the existing unit, etc. The agreement requires the Secretary of the KDHE to issue the final permit substantially in the form of the draft final permit prepared by KDHE technical staff in July 2007. (This is the permit that was eventually denied by the KDHE Secretary.)

Within days of the agreement, the Kansas legislature passed a bill that, among other things, require timely approval of a PSD permit for the Sunflower plant. Like the agreement itself, the bill requires the Secretary of the KDHE to "issue the final permit substantially in the form of the final draft permit prepared by KDHE technical staff" in July 2007. The bill also requires (ambiguously) "the confirmation of BACT emission limitations and PSD consumption restraints." The bill awaits Governor Parkinson's signature.

KDHE has indicated to Region 7 that Sunflower believes that it need not submit a new application for the new proposal for one 895-megawatt plant. Instead, Sunflower believes that it can submit a "redlined" version of the previous application, indicating relevant changes to the document. Sunflower also believes that it need only submit to a limited public comment period.

At EPA, OGC, OECA, OAQPS, and Region 7 are of one mind: they agree that Sunflower must submit a new permit application for this plant and that the permit application must be subject to an ordinary public comment period. Bob S. and I met with all of these offices today and concur in their conclusion.

A meeting is scheduled for this coming Thursday, May 28, in Kansas. The meeting will include representatives from Region 7, plus representatives from Sunflower, KDHE, and possibly Governor Parkinson's office. At this meeting, Region 7 intends to inform Sunflower and the state officials that Sunflower must submit a new application and undergo a new public comment period.

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will be a big deal in Kansas, and a phone call from you may calm the waters a bit. Governor Parkinson is the Democratic successor to Governor Sebelius. He believes that his agreement with Sunflower settles a matter that has dogged Kansas politics for some years. A call from you would at least be a sign that you realize that the matter is important.

Deliberative

Deliberative

Hope you're having a good trip so far.

Lisa

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Bob Sussman/OU=DC/O=USEPA/C=US
Sent: Tue 5/26/2009 10:35:38 PM
Subject: Re: Sunflower power plant in Kansas

Deliberative

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

From: Richard Windsor/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA
Cc: Allyn Brooks-LaSure/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA
Date: 05/26/2009 06:19 PM
Subject: Re: Sunflower power plant in Kansas

Deliberative

----- Original Message -----

From: Bob Sussman
Sent: 05/26/2009 06:00 PM EDT
To: Lisa Heinzerling
Cc: Allyn Brooks-LaSure; Diane Thompson; Richard Windsor
Subject: Re: Sunflower power plant in Kansas

Deliberative

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

From: Lisa Heinzerling/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: Bob Sussman/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA
Date: 05/26/2009 05:27 PM
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Deliberative

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Lisa

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[];
N=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]; N=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Bob Sussman/OU=DC/O=USEPA/C=US
Sent: Tue 5/26/2009 12:34:30 PM
Subject: Re: New Thinking on the FY 11 Budget
Scott Fulton

Deliberative

Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

From: Richard Windsor/DC/USEPA/US
To: Scott Fulton/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA
Cc: Diane Thompson/DC/USEPA/US@EPA, Eric Wachter/DC/USEPA/US@EPA
Date: 05/26/2009 03:50 AM
Subject: Re: New Thinking on the FY 11 Budget

Deliberative

----- Original Message -----

From: Scott Fulton
Sent: 05/25/2009 11:05 PM EDT

To: Bob Sussman
Cc: Diane Thompson; Eric Wachter; Richard Windsor
Subject: Re: New Thinking on the FY 11 Budget

Deliberative

Cheers,
Scott

Re: New Thinking on the FY 11 Budget

Bob Sussman to: Richard Windsor, Diane Thompson, Scott Fulton 05/25/2009 02:03 PM

Cc: Eric Wachter

This is helpful input. Thanks for laying down some markers. While you're gone the three of us will put our heads together to build on your ideas. We'll also need to start a conversation with sally and folks like Bob p and Mike m. We don't have much time.

----- Original Message -----

From: Richard Windsor

Sent: 05/25/2009 01:00 PM EDT

To: Bob Sussman; Diane Thompson; Scott Fulton

Cc: Eric Wachter

Subject: Re: New Thinking on the FY 11 Budget

Deliberative

Deliberative

Thx, Lj

----- Original Message -----

From: Bob Sussman

Sent: 05/24/2009 11:25 AM EDT

To: Richard Windsor; Diane Thompson; Scott Fulton

Cc: Eric Wachter

Subject: New Thinking on the FY 11 Budget

Lisa -- I wanted to follow-up on our brief discussion of the budget process on Friday and bring Diane and Scott into the loop to be sure we capture their thoughts on next steps.

As the enclosed materials indicate, we are moving toward a Budget Forum on July 23 at which you and the senior leadership of the Agency will respond to a straw budget developed by OCFO. In preparation for this exercise, OCFO is asking each office to identify "low priority" items representing approximately 10 percent of the proposed FY 10 budget. These items would presumably offer opportunities for savings that would offset increased funding for the high-priority areas that were presented at last Monday's planning meeting.

Deliberative

Deliberative

Looking for guidance, Lisa, and reactions and suggestions from Diane and Scott.

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency
----- Forwarded by Bob Sussman/DC/USEPA/US on 05/24/2009 10:12 AM -----

From: Budget and Planning Box
To: Assistant Administrators, General Counsel, Inspector General, RA, Ray Spears/DC/USEPA/US@EPA
Cc: Diane Thompson/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Eric Wachter/DC/USEPA/US@EPA, Daniel Gerasimowicz/DC/USEPA/US@EPA, Robert Goulding/DC/USEPA/US@EPA, Deputy Associate Administrators, DAA, Barbara Finazzo/R2/USEPA/US@EPA, Beverly Banister/R4/USEPA/US@EPA, Bharat Mathur/R5/USEPA/US@EPA, Carol Rushin/R8/USEPA/US@EPA, George Pavlou/R2/USEPA/US@EPA, Ira Leighton/R1/USEPA/US@EPA, Jane Diamond/R9/USEPA/US@EPA, Jim Newsom/R3/USEPA/US, Laura Yoshii/R9/USEPA/US@EPA, Lawrence Starfield/R6/USEPA/US@EPA, Lynda Carroll/R6/USEPA/US@EPA, Martha Cuppy/R7/USEPA/US@EPA, Michelle Pirzadeh/R10/USEPA/US@EPA, Mike Gearheard/R10/USEPA/US@EPA, Stan Meiburg/R4/USEPA/US@EPA, Stephen Perkins/R1/USEPA/US@EPA, Walter Kovalick/R5/USEPA/US@EPA, William Rice/RGAD/R7/USEPA/US@EPA, Mike Gaydosh/R8/USEPA/US@EPA, ARA, OCFO-SBO, OCFO-Regional Planning Staff and Headquarters Contacts, bloom.david@epa.gov, terris.carol@epa.gov, Rita Smith/DC/USEPA/US@EPA, Phillip Juengst/DC/USEPA/US@EPA, Maria Williams/DC/USEPA/US@EPA, Laura Palmer/DC/USEPA/US@EPA, Khanh Nguyen/DC/USEPA/US@EPA, Diane Kelty/DC/USEPA/US@EPA, Maria Gomez-Taylor/DC/USEPA/US@EPA, Pamala List/DC/USEPA/US@EPA, OCFO-RPROS, Pamela Luttner/DC/USEPA/US@EPA
Date: 05/21/2009 06:00 PM
Subject: ON BEHALF OF MARYANN FROELICH: Lower Priority Targets for FY 2011

Attached is guidance on identifying "Lower Priority Targets for FY 2011".

OCFO has provided targets for each office as well as a format to be used for this submission (Attachment 3). This material will be used as we go forward with the Agency's straw budget to be discussed at the July 23rd Budget Forum. Offices are asked to work with the lead region in identifying these lower priorities.

This information is due to OCFO by COB on Thursday, June 18, 2009. Please contact Pamela Luttner at 202-564-3107 or Maria Williams at 202-564-3021 if you have questions.

[attachment "Memo_05_21_2009.pdf" deleted by Richard Windsor/DC/USEPA/US]
[attachment "Memo_04_17_2009.pdf" deleted by Richard Windsor/DC/USEPA/US]

[attachment "FY 2011 Budget Target Attachment 2.xls" deleted by Richard Windsor/DC/USEPA/US]

[attachment "FY.2011.LP.Attachment.3.xls" deleted by Richard Windsor/DC/USEPA/US]

To: CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Eric
Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Richard
Windsor/OU=DC/O=USEPA/C=US@EPA[]; N=Eric
Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Richard
Windsor/OU=DC/O=USEPA/C=US@EPA[]; N=Richard
Windsor/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Scott Fulton/OU=DC/O=USEPA/C=US
Sent: Tue 5/26/2009 3:05:07 AM
Subject: Re: New Thinking on the FY 11 Budget
Scott Fulton

Deliberative

Deliberative

Cheers,
Scott

Re: New Thinking on the FY 11 Budget

Bob Sussman to: Richard Windsor, Diane Thompson, Scott Fulton 05/25/2009 02:03 PM

Cc: Eric Wachter

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----- Original Message -----

From: Richard Windsor

Sent: 05/25/2009 01:00 PM EDT

To: Bob Sussman; Diane Thompson; Scott Fulton

Cc: Eric Wachter

Subject: Re: New Thinking on the FY 11 Budget

Deliberative

Deliberative

Thx, Lj

----- Original Message -----

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Office of the Administrator
US Environmental Protection Agency
----- Forwarded by Bob Sussman/DC/USEPA/US on 05/24/2009 10:12 AM -----

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To: Assistant Administrators, General Counsel, Inspector General, RA, Ray Spears/DC/USEPA/US@EPA
Cc: Diane Thompson/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Eric Wachter/DC/USEPA/US@EPA, Daniel Gerasimowicz/DC/USEPA/US@EPA, Robert Goulding/DC/USEPA/US@EPA, Deputy Associate Administrators, DAA, Barbara Finazzo/R2/USEPA/US@EPA, Beverly Banister/R4/USEPA/US@EPA, Bharat Mathur/R5/USEPA/US@EPA, Carol Rushin/R8/USEPA/US@EPA, George Pavlou/R2/USEPA/US@EPA, Ira Leighton/R1/USEPA/US@EPA, Jane Diamond/R9/USEPA/US@EPA, Jim Newsom/R3/USEPA/US, Laura Yoshii/R9/USEPA/US@EPA, Lawrence Starfield/R6/USEPA/US@EPA, Lynda Carroll/R6/USEPA/US@EPA, Martha Cuppy/R7/USEPA/US@EPA, Michelle Pirzadeh/R10/USEPA/US@EPA, Mike Gearheard/R10/USEPA/US@EPA, Stan Meiburg/R4/USEPA/US@EPA, Stephen Perkins/R1/USEPA/US@EPA, Walter Kovalick/R5/USEPA/US@EPA, William Rice/RGAD/R7/USEPA/US@EPA, Mike Gaydosh/R8/USEPA/US@EPA, ARA, OCFO-SBO, OCFO-Regional Planning Staff and Headquarters Contacts, bloom.david@epa.gov, terris.carol@epa.gov, Rita Smith/DC/USEPA/US@EPA, Phillip Juengst/DC/USEPA/US@EPA, Maria Williams/DC/USEPA/US@EPA, Laura Palmer/DC/USEPA/US@EPA, Khanh Nguyen/DC/USEPA/US@EPA, Diane Kelty/DC/USEPA/US@EPA, Maria Gomez-Taylor/DC/USEPA/US@EPA, Pamala List/DC/USEPA/US@EPA, OCFO-RPROS, Pamela Luttner/DC/USEPA/US@EPA
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To: CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]; N=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Bob Sussman/OU=DC/O=USEPA/C=US
Sent: Tue 5/26/2009 10:00:47 PM
Subject: Re: Sunflower power plant in Kansas

Deliberative

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

From: Lisa Heinzerling/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: Bob Sussman/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA
Date: 05/26/2009 05:27 PM
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Deliberative

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Lisa

To: "Lisa Jackson" [windsor.richard@epa.gov]; Scott Fulton
[Fulton.Scott@epamail.epa.gov]
From: CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US
Sent: Wed 5/27/2009 10:49:05 AM
Subject: Fw: Major Economies Forum - Paris Chairs' Summary
MEF2 chairs' summary - final .pdf

From: "Pershing, Jonathan" [PershingJ@state.gov]
Sent: 05/26/2009 07:58 PM AST
To: Lisa Heinzerling
Subject: Fw: Major Economies Forum - Paris Chairs' Summary

Fyi, text of chair's summary of MEF

I think I am to talk to Scott before I leave Paris

Best

Jonathan

From: DeRosa-Joynt, Barbara M (OES)
To: 'senator.wong@aph.gov.au' <senator.wong@aph.gov.au>; 'howard.bamsey@climatechange.gov.au' <howard.bamsey@climatechange.gov.au>; 'drew.clarke@ret.gov.au' <drew.clarke@ret.gov.au>; 'kristina.hickey@climatechange.gov.au' <kristina.hickey@climatechange.gov.au>; 'vmachado@mre.gov.br' <vmachado@mre.gov.br>; 'figueiredo@mre.gov.br' <figueiredo@mre.gov.br>; 'miguez@mct.gov.br' <miguez@mct.gov.br>; 'branca.americano@mma.gov.br' <branca.americano@mma.gov.br>; 'michael.martin@ec.gc.ca' <michael.martin@ec.gc.ca>; 'stephen.kelly@ec.gc.ca' <stephen.kelly@ec.gc.ca>; 'bruce.carson@canadaschool-ee.ca' <bruce.carson@canadaschool-ee.ca>; 'suwei@ndrc.gov.cn' <suwei@ndrc.gov.cn>; 'ligao' <ligao@ccchina.gov.cn>; 'joao.vale-de-almeida@ec.europa.eu' <joao.vale-de-almeida@ec.europa.eu>; 'karl.falkenberg@ec.europa.eu' <karl.falkenberg@ec.europa.eu>; 'matthew.baldwin@ec.europa.eu' <matthew.baldwin@ec.europa.eu>; 'laurence.graff@ec.europa.eu' <laurence.graff@ec.europa.eu>; 'martin.bursik@zeleni.cz' <martin.bursik@zeleni.cz>; 'james.hunt@mzp.cz' <james.hunt@mzp.cz>; 'lars-erik.liljelund@primeminister.ministry.se' <lars-erik.liljelund@primeminister.ministry.se>; 'gunnar.caperius@environment.ministry.se' <gunnar.caperius@environment.ministry.se>; 'brice.lalonde@developpement-durable.gouv.fr' <brice.lalonde@developpement-durable.gouv.fr>; 'christian.masset@diplomatie.gouv.fr' <christian.masset@diplomatie.gouv.fr>; 'gwenaelle.huet@developpement-durable.gouv.fr' <gwenaelle.huet@developpement-durable.gouv.fr>; 'sigmar.gabriel@bmu.bund.de' <sigmar.gabriel@bmu.bund.de>; 'karsten.sach@bmu.bund.de' <karsten.sach@bmu.bund.de>; 'Peter.Roesgen@bk.bund.de' <Peter.Roesgen@bk.bund.de>; 'Rid, Urban' <Urban.Rid@bmu.bund.de>; 'spl.envoy@pmo.nic.in' <spl.envoy@pmo.nic.in>; 'jm.mauskar@nic.in' <jm.mauskar@nic.in>; 'dg-bee@nic.in' <dg-bee@nic.in>; 'Dinesh Patnaik' <jsunes@mea.gov.in>; 'rachmat@witoelar.com' <rachmat@witoelar.com>; 'nelly@menlh.go.id' <nelly@menlh.go.id>;

'lobobalia@esdm.go.id' <lobobalia@esdm.go.id>; 'guido.latella@esteri.it' <guido.latella@esteri.it>; 'pia-sdg@minambiente.it' <pia-sdg@minambiente.it>; 'bernardini.antonio@minambiente.it' <bernardini.antonio@minambiente.it>; 'shinsuke.sugiyama@mofa.go.jp' <shinsuke.sugiyama@mofa.go.jp>; 'arima-jun@meti.go.jp' <arima-jun@meti.go.jp>; 'kenichi.kobayashi@mofa.go.jp' <kenichi.kobayashi@mofa.go.jp>; 'masaru_moriya@env.go.jp' <masaru_moriya@env.go.jp>; 'rkchung77@mofat.go.kr' <rkchung77@mofat.go.kr>; 'hyeo@mke.go.kr' <hyeo@mke.go.kr>; 'ckpark91@korea.kr' <ckpark91@korea.kr>; 'hyahn78@mofat.go.kr' <hyahn78@mofat.go.kr>; 'ftudela@semarnat.gob.mx' <ftudela@semarnat.gob.mx>; 'c.secretario@semarnat.gob.mx' <c.secretario@semarnat.gob.mx>; 'enrique.lendo@semarnat.gob.mx' <enrique.lendo@semarnat.gob.mx>; 'dgtglobales@sre.gob.mx' <dgtglobales@sre.gob.mx>; 'stulinov@mail.ru' <stulinov@mail.ru>; 'Andrey Orekhov' <andreyor@scientist.com>; 'sashapankin@mail.ru' <sashapankin@mail.ru>; 'svorster@deat.gov.za' <svorster@deat.gov.za>; **Personal Privacy** **Personal Privacy** 'wilnav@ananzi.co.za' <wilnav@ananzi.co.za>; 'Alf Wills' <AWills@deat.gov.za>; 'Laura Eady' <eadyl@foreign.gov.za>; 'peter.betts@decc.gsi.gov.uk' <peter.betts@decc.gsi.gov.uk>; 'jan.thompson@decc.gsi.gov.uk' <jan.thompson@decc.gsi.gov.uk>; 'mjacobs@no10.x.gsi.gov.uk' <mjacobs@no10.x.gsi.gov.uk>; Stern, Todd D (S/SECC); Pershing, Jonathan; Ogden, Peter R; Artusio, Christo F (OES); 'bl@stm.dk' <bl@stm.dk>; 'tbe@mim.dk' <tbe@mim.dk>; 'stesmi@um.dk' <stesmi@um.dk>; 'pca@fm.dk' <pca@fm.dk>; 'ydeboer@unfccc.int' <ydeboer@unfccc.int>; 'pasztor@un.org' <pasztor@un.org>; 'HWuester@unfccc.int' <HWuester@unfccc.int>; 'Mohammad Reza Salamat' <salamat@un.org>; 'Froman, Michael B.' <**Personal Privacy** Connors, Celeste A.' <**Personal Privacy** Reifsnnyder, Daniel A (OES); **Personal Privacy** **Personal Privacy** Fendley, Edward J (OES) Cc: 'louise.hand@climatechange.gov.au' <louise.hand@climatechange.gov.au>; 'elizabeth.ward@dfat.gov.au' <elizabeth.ward@dfat.gov.au>; 'joshua.meltzer@dfat.gov.au' <joshua.meltzer@dfat.gov.au>; 'odenbreit@mre.gov.br' <odenbreit@mre.gov.br>; 'lucero@brasilemb.org' <lucero@brasilemb.org>; 'jason.tolland@international.gc.ca' <jason.tolland@international.gc.ca>; 'Christina.Komorski@international.gc.ca' <Christina.Komorski@international.gc.ca>; 'Gao Hairan' <gao.hairan@ccchina.gov.cn>; 'zhangq@ndrc.gov.cn' <zhangq@ndrc.gov.cn>; 'yu_qingtai@mfa.gov.cn' <yu_qingtai@mfa.gov.cn>; **Personal Privacy** **Personal Privacy** 'artur.runge-metzger@ec.europa.eu' <artur.runge-metzger@ec.europa.eu>; 'HARGADON Malachy' <Malachy.Hargadon@ec.europa.eu>; 'Luisa Ragher' <Luisa.RAGHER@ec.europa.eu>; 'Frantisek.Zouhar@mzp.cz' <Frantisek.Zouhar@mzp.cz>; 'pavel.zamyslicky@mzp.cz' <pavel.zamyslicky@mzp.cz>; 'Michal.Pastvinsky@mzp.cz' <Michal.Pastvinsky@mzp.cz>; 'Sona.Zambochova@mzp.cz' <Sona.Zambochova@mzp.cz>; 'martin_dvorak@mzv.cz' <martin_dvorak@mzv.cz>; 'lars.roth@foreign.ministry.se' <lars.roth@foreign.ministry.se>; 'genevieve.chedeville-murray@diplomatie.gouv.fr' <genevieve.chedeville-murray@diplomatie.gouv.fr>; 'nicole.wilke@bmu.bund.de' <nicole.wilke@bmu.bund.de>; 'dirune@mea.gov.in' <dirune@mea.gov.in>; 'rr.rashmi@nic.in' <rr.rashmi@nic.in>; 'rajasree.r@nic.in' <rajasree.r@nic.in>; 'lb@menlh.go.id' <lb@menlh.go.id>; 'apurnomo@menlh.go.id' <apurnomo@menlh.go.id>; **Personal Privacy** **Personal Privacy** 'Timbul Situmorang' <t.situmorang@embassyofindonesia.org>; 'daniele.calzabini@esteri.it' <daniele.calzabini@esteri.it>; 'd.garofalo@governo.it' <d.garofalo@governo.it>; 'Stefano Beltrame' <stefano.beltrame@esteri.it>; 'alberto.devoto@esteri.it' <alberto.devoto@esteri.it>; 'giorgio.einaudi@esteri.it' <giorgio.einaudi@esteri.it>; 'tnishinaga@embjapan.org' <tnishinaga@embjapan.org>; 'akihiko.furuya@mofa.go.jp' <akihiko.furuya@mofa.go.jp>; 'makio.miyagawa@mofa.go.jp' <makio.miyagawa@mofa.go.jp>; 'mkomurasaki@embjapan.org' <mkomurasaki@embjapan.org>; 'ejahn96@mofat.go.kr' <ejahn96@mofat.go.kr>; 'hekim92@mofat.go.kr' <hekim92@mofat.go.kr>; **Personal Privacy** **Personal Privacy** 'yeyoo87@mofat.go.kr' <yeyoo87@mofat.go.kr>; **Personal Privacy** 'bsyoo00@mofat.go.kr' <bsyoo00@mofat.go.kr>; 'alejandro.posadas@semarnat.gob.mx' <alejandro.posadas@semarnat.gob.mx>; 'oshamanov@mid.ru' <oshamanov@mid.ru>; 'Hennie Du Toit' <dutoith@foreign.gov.za>; 'david.thomas@fco.gov.uk' <david.thomas@fco.gov.uk>; 'Robert.Grant@fco.gov.uk' <Robert.Grant@fco.gov.uk>; 'hho@stm.dk' <hho@stm.dk>; 'cpi@kemin.dk' <cpi@kemin.dk>; 'haneri@um.dk' <haneri@um.dk>; 'chrste@um.dk' <chrste@um.dk>; 'jesj@kemin.dk' <jesj@kemin.dk>; DeRosa-Joynt, Barbara M (OES); Brown, Paul A (E); 'paul.watkinson@developpement-durable.gouv.fr' <paul.watkinson@developpement-durable.gouv.fr>; 'baptiste.legay@developpement-durable.gouv.fr' <baptiste.legay@developpement-durable.gouv.fr>; 'terri.aubin@ec.gc.ca' <terri.aubin@ec.gc.ca>; 'david.mcGovern@ec.gc.ca' <david.mcGovern@ec.gc.ca>

Sent: Tue May 26 14:57:39 2009

Subject: Major Economies Forum - Paris Chairs' Summary

Dear Colleagues –

I hope this message finds you well. It was a pleasure to see many of you in Paris this week for the second preparatory meeting for the Major Economies Forum. Thanks again to our gracious French hosts for the excellent arrangements for the meeting and their warm hospitality.

Toward the close of the session earlier today you will recall that the Secretariat distributed a draft copy of the Chairs' summary. We appreciated delegations' feedback both from the floor and that provided directly to the Secretariat. Attached please find a revised version of the text, which attempts to accommodate the various requests for modifications.

Please note that we will be further revising our e-mail distribution list once we return to Washington. In the meantime we would greatly appreciate you sharing this with any colleagues that we have missed in this message. Please also feel free to send me directly the contact information for colleagues not included here so we can add them to our list.

We look forward to seeing many of you in Bonn next week at the UNFCCC meetings, and otherwise at the third preparatory meetings 22-23 June in Mexico. We greatly appreciate Mexico's offer to host the next session and will provide you with additional information on that meeting when it is available.

As always, please do not hesitate to contact me if I can be of assistance to you.

Warm regards,

Barbara

<<MEF2 chairs' summary - final .pdf>>

Ms. Barbara M. De Rosa-Joynt

Multilateral Initiatives Coordinator

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Second Preparatory Meeting of the Major Economies Forum on Energy and Climate Chairs' Summary

The second preparatory meeting of the Major Economies Forum on Energy and Climate, representing 17 developed and developing economies, was convened in Paris, May 25-26, 2009, to inform and complement and make a contribution to success in the UN negotiations in Copenhagen as well as implementation of the Bali Roadmap. Participants built on the initial discussions in Washington in April, reiterating that climate change demands immediate action by all major economies. They agreed on the importance of leadership by the major economies, including that their level of ambition should reflect science and that their robust national actions should contribute to credible long-term emissions reductions. They also shared the view that the transformation to a low-carbon economy can be an opportunity for growth and sustainable development.

Participants discussed a wide range of mitigation issues, including a peak year, the notion that countries will reflect their actions through various baselines, low-carbon strategies, aggregate goals, mid-term and long-term emission targets (including an ambitious 2050 goal for developed countries), and the readiness and capacity of economies to undertake mitigation actions and to raise the global level of ambition, in accordance with their common but differentiated responsibilities and respective capabilities. They noted that developed countries should have ambitious mid-term targets as a way to define pathways towards long-term emissions goals. There was interest in assessing a mid-term aggregate goal for developed countries. Participants discussed the need for the major developing countries to build on the effective national actions they have already taken with enhanced national actions. Participants also discussed proposals for reflecting domestically binding low carbon actions, the character and reviewability of such actions, and promoting transparency. In addition, there was discussion of how offsets and the carbon market could contribute to the overall level of ambition.

On financing, participants articulated principles that could govern financing for climate change. Mexico presented its proposal for a Green Fund, which generated substantial interest. Participants observed that all major economies should continue to take action to mobilize financing to address climate change, and recognized the diversity among countries and national circumstances in terms of ability to finance national actions and international support. Participants shared the view that financing should derive from multiple sources, public and private, domestic and international, including carbon markets, and that existing institutions should be utilized. Many stressed the desirability of predictable funding in the context of developing country actions in the 2020 timeframe. They confirmed the importance of facilitating the matching of resources to needs and of accountability for the use of resources. There was a convergence of views that governance should be transparent, fair, effective and efficient, and involve balanced representation. Participants agreed on the importance of adaptation to climate change, and the need to provide support, especially for the most vulnerable countries.

Participants had a further discussion on the potential for the Leaders of the major economies to advance and support at a political level the development and deployment of transformational technologies. Participants also exchanged views on the transfer of technology. A number of countries outlined their proposals for specific areas of focus, including bioenergy, carbon capture and storage and power plant efficiencies, renewables, energy efficiency, and smart grids. Participants will have further discussions to define objectives in these areas. There was interest in adding further specificity to the proposals and for articulating the role of the Leaders in advancing the transformation of these key technologies.

Participants will continue these discussions at the next preparatory meeting in June in Mexico, with a view toward the Leaders' Meeting in L'Aquila, Italy.

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA[]; N=Bob Sussman/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US
Sent: Wed 5/27/2009 11:37:03 AM
Subject: Re: Sunflower power plant in Kansas

Sounds good to me.

----- Original Message -----

From: Richard Windsor
Sent: 05/26/2009 06:19 PM EDT
To: Bob Sussman; Lisa Heinzerling
Cc: Allyn Brooks-LaSure; Diane Thompson
Subject: Re: Sunflower power plant in Kansas

Deliberative

----- Original Message -----

From: Bob Sussman
Sent: 05/26/2009 06:00 PM EDT
To: Lisa Heinzerling
Cc: Allyn Brooks-LaSure; Diane Thompson; Richard Windsor
Subject: Re: Sunflower power plant in Kansas

Deliberative

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

From: Lisa Heinzerling/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: Bob Sussman/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA
Date: 05/26/2009 05:27 PM
Subject: Sunflower power plant in Kansas

Lisa,

No doubt you have heard about the long-running dispute in Kansas over a proposal to build the "Sunflower" power plant. This facility was originally proposed as two 700-megawatt, coal-fired power plants. Based on Kansas state law, the Secretary of the Kansas Department of Health and Environment (KDHE) denied a permit for the facility in October 2007, citing concerns about climate change. While governor, Kathleen Sebelius vetoed three separate bills that would have overturned the denial of the permit under state law.

In early May, the new Kansas governor, Mark Parkinson, reached an agreement with the developers of the plant. The agreement would grant approval to construct one 895-megawatt plant. The agreement also requires construction or purchase of wind resources, use of biomass on the unit already existing at the relevant location, particular emission rates for the existing unit, etc. The agreement requires the Secretary of the KDHE to issue the final permit substantially in the form of the draft final permit prepared by KDHE technical staff in July 2007. (This is the permit that was eventually denied by the KDHE Secretary.)

Within days of the agreement, the Kansas legislature passed a bill that, among other things, require timely approval of a PSD permit for the Sunflower plant. Like the agreement itself, the bill requires the Secretary of the KDHE to "issue the final permit substantially in the form of the final draft permit prepared by KDHE technical staff" in July 2007. The bill also requires (ambiguously) "the confirmation of BACT emission limitations and PSD consumption restraints." The bill awaits Governor Parkinson's signature.

KDHE has indicated to Region 7 that Sunflower believes that it need not submit a new application for the new proposal for one 895-megawatt plant. Instead, Sunflower believes that it can submit a "redlined" version of the previous application, indicating relevant changes to the document. Sunflower also believes that it need only submit to a limited public comment period.

At EPA, OGC, OECA, OAQPS, and Region 7 are of one mind: they agree that Sunflower must submit a new permit application for this plant and that the permit application must be subject to an ordinary public comment period. Bob S. and I met with all of these offices today and concur in their conclusion.

A meeting is scheduled for this coming Thursday, May 28, in Kansas. The meeting will include representatives from Region 7, plus representatives from Sunflower, KDHE, and possibly Governor Parkinson's office. At this meeting, Region 7 intends to inform Sunflower and the state officials that Sunflower must submit a new application and undergo a new public comment period.

I'm writing to you not only to apprise you of this situation but also to gauge your interest in scheduling a phone call with Governor Parkinson. The Sunflower plant has been a hugely contentious political issue in Kansas for several years. EPA's decision to require a new permit application for the facility may be perceived as federal overreaching in light of the brand-new agreement between the developers and the state. The answer to this is that EPA's position is required by federal law. Nevertheless, the EPA decision will be a big deal in Kansas, and a phone call from you may calm the waters a bit. Governor Parkinson is the Democratic successor to Governor Sebelius. He believes that his agreement with Sunflower settles a matter that has dogged Kansas politics for some years. A call from you would at least be a sign that you realize that the matter is important.

Deliberative

Hope you're having a good trip so far.

Lisa

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Bob
Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Lisa
Heinzerling/OU=DC/O=USEPA/C=US@EPA[]; N=Bob
Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Lisa
Heinzerling/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa
Heinzerling/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Diane Thompson/OU=DC/O=USEPA/C=US
Sent: Wed 5/27/2009 12:11:03 PM
Subject: Re: Sunflower power plant in Kansas and CFO

Deliberative

Hope all is going well.

Diane E. Thompson
Chief of Staff
U. S. Environmental Protection Agency
202-564-6999

From: Lisa Heinzerling/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA
Cc: Allyn Brooks-LaSure/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA
Date: 05/27/2009 07:37 AM
Subject: Re: Sunflower power plant in Kansas

Sounds good to me.

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Sent: 05/26/2009 06:00 PM EDT
To: Lisa Heinzerling
Cc: Allyn Brooks-LaSure; Diane Thompson; Richard Windsor
Subject: Re: Sunflower power plant in Kansas

Deliberative

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Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

From: Lisa Heinzerling/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: Bob Sussman/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA
Date: 05/26/2009 05:27 PM
Subject: Sunflower power plant in Kansas

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Deliberative

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Lisa

To: CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;"Lisa Jackson" [windsor.richard@epa.gov]; Lisa Jackson" [windsor.richard@epa.gov]
From: CN=Scott Fulton/OU=DC/O=USEPA/C=US
Sent: Wed 5/27/2009 11:10:19 AM
Subject: Re: Major Economies Forum - Paris Chairs' Summary

Deliberative

From: Lisa Heinzerling
Sent: 05/27/2009 06:49 AM EDT
To: "Lisa Jackson" <windsor.richard@epa.gov>; Scott Fulton
Subject: Fw: Major Economies Forum - Paris Chairs' Summary

From: "Pershing, Jonathan" [PershingJ@state.gov]
Sent: 05/26/2009 07:58 PM AST
To: Lisa Heinzerling
Subject: Fw: Major Economies Forum - Paris Chairs' Summary

Fyi, text of chair's summary of MEF

I think I am to talk to Scott before I leave Paris

Best

Jonathan

From: DeRosa-Joynt, Barbara M (OES)
To: 'senator.wong@aph.gov.au' <senator.wong@aph.gov.au>; 'howard.bamsey@climatechange.gov.au' <howard.bamsey@climatechange.gov.au>; 'drew.clarke@ret.gov.au' <drew.clarke@ret.gov.au>; 'kristina.hickey@climatechange.gov.au' <kristina.hickey@climatechange.gov.au>; 'vmachado@mre.gov.br' <vmachado@mre.gov.br>; 'figueiredo@mre.gov.br' <figueiredo@mre.gov.br>; 'miguez@mct.gov.br' <miguez@mct.gov.br>; 'branca.americano@mma.gov.br' <branca.americano@mma.gov.br>; 'michael.martin@ec.gc.ca' <michael.martin@ec.gc.ca>; 'stephen.kelly@ec.gc.ca' <stephen.kelly@ec.gc.ca>; 'bruce.carson@canadaschool-ee.ca' <bruce.carson@canadaschool-ee.ca>; 'suwei@ndrc.gov.cn' <suwei@ndrc.gov.cn>; 'ligao' <ligao@ccchina.gov.cn>; 'joao.vale-de-almeida@ec.europa.eu' <joao.vale-de-almeida@ec.europa.eu>; 'karl.falkenberg@ec.europa.eu' <karl.falkenberg@ec.europa.eu>; 'matthew.baldwin@ec.europa.eu'

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 'gunnar.caperius@environment.ministry.se' <gunnar.caperius@environment.ministry.se>;
 'brice.lalonde@developpement-durable.gouv.fr' <brice.lalonde@developpement-durable.gouv.fr>;
 'christian.masset@diplomatie.gouv.fr' <christian.masset@diplomatie.gouv.fr>; 'gwenaelle.huet@developpement-
 durable.gouv.fr' <gwenaelle.huet@developpement-durable.gouv.fr>; 'sigmar.gabriel@bmu.bund.de'
 <sigmar.gabriel@bmu.bund.de>; 'karsten.sach@bmu.bund.de' <karsten.sach@bmu.bund.de>;
 'Peter.Roesgen@bk.bund.de' <Peter.Roesgen@bk.bund.de>; 'Rid, Urban' <Urban.Rid@bmu.bund.de>;
 'spl.envoy@pmo.nic.in' <spl.envoy@pmo.nic.in>; 'jm.mauskar@nic.in' <jm.mauskar@nic.in>; 'dg-bee@nic.in' <dg-
 bee@nic.in>; 'Dinesh Patnaik' <jsunes@mea.gov.in>; 'rachmat@witoelar.com' <rachmat@witoelar.com>;
 'nelly@menlh.go.id' <nelly@menlh.go.id>; 'lobobalia@esdm.go.id' <lobobalia@esdm.go.id>;
 'guido.latella@esteri.it' <guido.latella@esteri.it>; 'pia-sdg@minambiente.it' <pia-sdg@minambiente.it>;
 'bernardini.antonio@minambiente.it' <bernardini.antonio@minambiente.it>; 'shinsuke.sugiyama@mofa.go.jp'
 <shinsuke.sugiyama@mofa.go.jp>; 'arima-jun@meti.go.jp' <arima-jun@meti.go.jp>;
 'kenichi.kobayashi@mofa.go.jp' <kenichi.kobayashi@mofa.go.jp>; 'masaru_moriya@env.go.jp'
 <masaru_moriya@env.go.jp>; 'rkchung77@mofat.go.kr' <rkchung77@mofat.go.kr>; 'hyeo@mke.go.kr'
 <hyeo@mke.go.kr>; 'ckpark91@korea.kr' <ckpark91@korea.kr>; 'hyahn78@mofat.go.kr' <hyahn78@mofat.go.kr>;
 'ftudela@semarnat.gob.mx' <ftudela@semarnat.gob.mx>; 'c.secretario@semarnat.gob.mx'
 <c.secretario@semarnat.gob.mx>; 'enrique.lendo@semarnat.gob.mx' <enrique.lendo@semarnat.gob.mx>;
 'dgtglobales@sre.gob.mx' <dgtglobales@sre.gob.mx>; 'stulinov@mail.ru' <stulinov@mail.ru>; 'Andrey Orekhov'
 <andreyor@scientist.com>; 'sashapankin@mail.ru' <sashapankin@mail.ru>; 'svorster@deat.gov.za'
 <svorster@deat.gov.za>; **Personal Privacy** **Personal Privacy** 'wilnav@ananzi.co.za'
 <wilnav@ananzi.co.za>; 'Alf Wills' <AWills@deat.gov.za>; 'Laura Eady' <eadyl@foreign.gov.za>;
 'peter.betts@decc.gsi.gov.uk' <peter.betts@decc.gsi.gov.uk>; 'jan.thompson@decc.gsi.gov.uk'
 <jan.thompson@decc.gsi.gov.uk>; 'mjacobs@no10.x.gsi.gov.uk' <mjacobs@no10.x.gsi.gov.uk>; Stern, Todd D
 (S/SECC); Pershing, Jonathan; Ogden, Peter R; Artusio, Christo F (OES); 'bl@stm.dk' <bl@stm.dk>; 'tbe@mim.dk'
 <tbe@mim.dk>; 'stesmi@um.dk' <stesmi@um.dk>; 'pca@fm.dk' <pca@fm.dk>; 'ydeboer@unfccc.int'
 <ydeboer@unfccc.int>; 'pasztor@un.org' <pasztor@un.org>; 'HWuester@unfccc.int' <HWuester@unfccc.int>;
 'Mohammad Reza Salamat' <salamat@un.org>; 'Froman, Michael B.' **Personal Privacy**
 'Connors, Celeste A.' **Personal Privacy** 'Reifsnnyder, Daniel A (OES);
Personal Privacy Fendley, Edward J (OES)
 Cc: 'louise.hand@climatechange.gov.au' <louise.hand@climatechange.gov.au>; 'elizabeth.ward@dfat.gov.au'
 <elizabeth.ward@dfat.gov.au>; 'joshua.meltzer@dfat.gov.au' <joshua.meltzer@dfat.gov.au>;
 'odenbreit@mre.gov.br' <odenbreit@mre.gov.br>; 'lucero@brasilemb.org' <lucero@brasilemb.org>;
 'jason.tolland@international.gc.ca' <jason.tolland@international.gc.ca>; 'Christina.Komorski@international.gc.ca'
 <Christina.Komorski@international.gc.ca>; 'Gao Hairan' <gao.hairan@ccchina.gov.cn>; 'zhangq@ndrc.gov.cn'
 <zhangq@ndrc.gov.cn>; 'yu_qingtai@mfa.gov.cn' <yu_qingtai@mfa.gov.cn>; **Personal Privacy**
Personal Privacy 'artur.runge-metzger@ec.europa.eu' <artur.runge-metzger@ec.europa.eu>;
 'HARGADON Malachy' <Malachy.Hargadon@ec.europa.eu>; 'Luisa Ragher' <Luisa.RAGHER@ec.europa.eu>;
 'Frantisek.Zouhar@mzp.cz' <Frantisek.Zouhar@mzp.cz>; 'pavel.zamyslicky@mzp.cz' <pavel.zamyslicky@mzp.cz>;
 'Michal.Pastvinsky@mzp.cz' <Michal.Pastvinsky@mzp.cz>; 'Sona.Zambochova@mzp.cz'
 <Sona.Zambochova@mzp.cz>; 'martin_dvorak@mzv.cz' <martin_dvorak@mzv.cz>; 'lars.roth@foreign.ministry.se'
 <lars.roth@foreign.ministry.se>; 'genevieve.chedeville-murray@diplomatie.gouv.fr' <genevieve.chedeville-
 murray@diplomatie.gouv.fr>; 'nicole.wilke@bmu.bund.de' <nicole.wilke@bmu.bund.de>; 'dirune@mea.gov.in'
 <dirune@mea.gov.in>; 'rr.rashmi@nic.in' <rr.rashmi@nic.in>; 'rajasree.r@nic.in' <rajasree.r@nic.in>;
 'lb@menlh.go.id' <lb@menlh.go.id>; 'apurnomo@menlh.go.id' <apurnomo@menlh.go.id>; **Personal Privacy**
Personal Privacy 'Timbul Situmorang' <t.situmorang@embassyofindonesia.org>;
 'daniele.calzabini@esteri.it' <daniele.calzabini@esteri.it>; 'd.garofalo@governo.it' <d.garofalo@governo.it>;
 'Stefano Beltrame' <stefano.beltrame@esteri.it>; 'alberto.devoto@esteri.it' <alberto.devoto@esteri.it>;
 'giorgio.einaudi@esteri.it' <giorgio.einaudi@esteri.it>; 'tnishinaga@embjapan.org' <tnishinaga@embjapan.org>;
 'akihiko.furuya@mofa.go.jp' <akihiko.furuya@mofa.go.jp>; 'makio.miyagawa@mofa.go.jp'
 <makio.miyagawa@mofa.go.jp>; 'mkomurasaki@embjapan.org' <mkomurasaki@embjapan.org>;

'ejahn96@mofat.go.kr' <ejahn96@mofat.go.kr>; 'hekim92@mofat.go.kr' <hekim92@mofat.go.kr>;
Personal Privacy
Personal Privacy
'yeyoo87@mofat.go.kr' <yeyoo87@mofat.go.kr>;
'bsyoo00@mofat.go.kr' <bsyoo00@mofat.go.kr>;
'alejandro.posadas@semarnat.gob.mx' <alejandro.posadas@semarnat.gob.mx>; 'oshamanov@mid.ru'
<oshamanov@mid.ru>; 'Hennie Du Toit' <dutoith@foreign.gov.za>; 'david.thomas@fco.gov.uk'
<david.thomas@fco.gov.uk>; 'Robert.Grant@fco.gov.uk' <Robert.Grant@fco.gov.uk>; 'hho@stm.dk'
<hho@stm.dk>; 'cpi@kemin.dk' <cpi@kemin.dk>; 'haneri@um.dk' <haneri@um.dk>; 'chrste@um.dk'
<chrste@um.dk>; 'jesj@kemin.dk' <jesj@kemin.dk>; DeRosa-Joynt, Barbara M (OES); Brown, Paul A (E);
'paul.watkinson@developpement-durable.gouv.fr' <paul.watkinson@developpement-durable.gouv.fr>;
'baptiste.legay@developpement-durable.gouv.fr' <baptiste.legay@developpement-durable.gouv.fr>;
'terri.aubin@ec.gc.ca' <terri.aubin@ec.gc.ca>; 'david.mcgovern@ec.gc.ca' <david.mcgovern@ec.gc.ca>
Sent: Tue May 26 14:57:39 2009
Subject: Major Economies Forum - Paris Chairs' Summary

Dear Colleagues –

I hope this message finds you well. It was a pleasure to see many of you in Paris this week for the second preparatory meeting for the Major Economies Forum. Thanks again to our gracious French hosts for the excellent arrangements for the meeting and their warm hospitality.

Toward the close of the session earlier today you will recall that the Secretariat distributed a draft copy of the Chairs' summary. We appreciated delegations' feedback both from the floor and that provided directly to the Secretariat. Attached please find a revised version of the text, which attempts to accommodate the various requests for modifications.

Please note that we will be further revising our e-mail distribution list once we return to Washington. In the meantime we would greatly appreciate you sharing this with any colleagues that we have missed in this message. Please also feel free to send me directly the contact information for colleagues not included here so we can add them to our list.

We look forward to seeing many of you in Bonn next week at the UNFCCC meetings, and otherwise at the third preparatory meetings 22-23 June in Mexico. We greatly appreciate Mexico's offer to host the next session and will provide you with additional information on that meeting when it is available.

As always, please do not hesitate to contact me if I can be of assistance to you.

Warm regards,

Barbara

<<MEF2 chairs' summary - final .pdf>>

Ms. Barbara M. De Rosa-Joynt

Multilateral Initiatives Coordinator

Office of Global Change, OES/EGC

U.S. Department of State

Washington, D.C. U.S.A.

phone: [+1] (202) 647-4511

fax: [+1] (202) 647-0191

e-mail: derosabm@state.gov

To: CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]; N=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Bob Sussman/OU=DC/O=USEPA/C=US
Sent: Wed 5/27/2009 12:59:39 PM
Subject: Re: Sunflower power plant in Kansas and CFO

We need to let the region know we are doing this. I will e-mail bill rice and let him know

----- Original Message -----

From: Diane Thompson
Sent: 05/27/2009 08:11 AM EDT
To: Richard Windsor
Cc: Allyn Brooks-LaSure; Bob Sussman; Lisa Heinzerling
Subject: Re: Sunflower power plant in Kansas and CFO

Deliberative

Hope all is going well.

Diane E. Thompson
Chief of Staff
U. S. Environmental Protection Agency
202-564-6999

From: Lisa Heinzerling/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA
Cc: Allyn Brooks-LaSure/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA
Date: 05/27/2009 07:37 AM
Subject: Re: Sunflower power plant in Kansas

Sounds good to me.

----- Original Message -----

From: Richard Windsor
Sent: 05/26/2009 06:19 PM EDT
To: Bob Sussman; Lisa Heinzerling
Cc: Allyn Brooks-LaSure; Diane Thompson
Subject: Re: Sunflower power plant in Kansas

Deliberative

----- Original Message -----

From: Bob Sussman

Sent: 05/26/2009 06:00 PM EDT

To: Lisa Heinzerling

Cc: Allyn Brooks-LaSure; Diane Thompson; Richard Windsor

Subject: Re: Sunflower power plant in Kansas

Deliberative

Robert M. Sussman

Senior Policy Counsel to the Administrator

Office of the Administrator

US Environmental Protection Agency

From: Lisa Heinzerling/DC/USEPA/US

To: Richard Windsor/DC/USEPA/US@EPA

Cc: Bob Sussman/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA

Date: 05/26/2009 05:27 PM

Subject: Sunflower power plant in Kansas

Lisa,

No doubt you have heard about the long-running dispute in Kansas over a proposal to build the "Sunflower" power plant. This facility was originally proposed as two 700-megawatt, coal-fired power plants. Based on Kansas state law, the Secretary of the Kansas Department of Health and Environment (KDHE) denied a permit for the facility in October 2007, citing concerns about climate change. While governor, Kathleen Sebelius vetoed three separate bills that would have overturned the denial of the permit under state law.

In early May, the new Kansas governor, Mark Parkinson, reached an agreement with the developers of the plant. The agreement would grant approval to construct one 895-megawatt plant. The agreement also requires construction or purchase of wind resources, use of biomass on the unit already existing at the relevant location, particular emission rates for the existing unit, etc. The agreement requires the Secretary of the KDHE to issue the final permit substantially in the form of the draft final permit prepared by KDHE technical staff in July 2007. (This is the permit that was eventually denied by the KDHE Secretary.)

Within days of the agreement, the Kansas legislature passed a bill that, among other things, require timely approval of a PSD permit for the Sunflower plant. Like the agreement itself, the bill requires the Secretary of the KDHE to "issue the final permit substantially in the form of the final draft permit prepared by KDHE technical staff" in July 2007. The bill also requires (ambiguously) "the confirmation of BACT emission limitations and PSD consumption restraints." The bill awaits Governor Parkinson's signature.

KDHE has indicated to Region 7 that Sunflower believes that it need not submit a new application for the new proposal for one 895-megawatt plant. Instead, Sunflower believes that it can submit a "redlined" version of the

previous application, indicating relevant changes to the document. Sunflower also believes that it need only submit to a limited public comment period.

At EPA, OGC, OECA, OAQPS, and Region 7 are of one mind: they agree that Sunflower must submit a new permit application for this plant and that the permit application must be subject to an ordinary public comment period. Bob S. and I met with all of these offices today and concur in their conclusion.

A meeting is scheduled for this coming Thursday, May 28, in Kansas. The meeting will include representatives from Region 7, plus representatives from Sunflower, KDHE, and possibly Governor Parkinson's office. At this meeting, Region 7 intends to inform Sunflower and the state officials that Sunflower must submit a new application and undergo a new public comment period.

I'm writing to you not only to apprise you of this situation but also to gauge your interest in scheduling a phone call with Governor Parkinson. The Sunflower plant has been a hugely contentious political issue in Kansas for several years. EPA's decision to require a new permit application for the facility may be perceived as federal overreaching in light of the brand-new agreement between the developers and the state. The answer to this is that EPA's position is required by federal law. Nevertheless, the EPA decision will be a big deal in Kansas, and a phone call from you may calm the waters a bit. Governor Parkinson is the Democratic successor to Governor Sebelius. He believes that his agreement with Sunflower settles a matter that has dogged Kansas politics for some years. A call from you would at least be a sign that you realize that the matter is important.

Deliberative

Hope you're having a good trip so far.

Lisa

To: CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]; N=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US
Sent: Wed 5/27/2009 1:10:15 PM
Subject: Re: Sunflower power plant in Kansas and CFO

Bob, Diane will be talking to Bill Rice this morning.

From: Bob Sussman/DC/USEPA/US
To: Diane Thompson/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA
Cc: Allyn Brooks-LaSure/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA
Date: 05/27/2009 08:59 AM
Subject: Re: Sunflower power plant in Kansas and CFO

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To: Richard Windsor
Cc: Allyn Brooks-LaSure; Bob Sussman; Lisa Heinzerling
Subject: Re: Sunflower power plant in Kansas and CFO

Deliberative

Diane E. Thompson
Chief of Staff
U. S. Environmental Protection Agency
202-564-6999

From: Lisa Heinzerling/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA
Cc: Allyn Brooks-LaSure/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA
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From: Richard Windsor

Sent: 05/26/2009 06:19 PM EDT

To: Bob Sussman; Lisa Heinzerling

Cc: Allyn Brooks-LaSure; Diane Thompson

Subject: Re: Sunflower power plant in Kansas

Deliberative

----- Original Message -----

From: Bob Sussman

Sent: 05/26/2009 06:00 PM EDT

To: Lisa Heinzerling

Cc: Allyn Brooks-LaSure; Diane Thompson; Richard Windsor

Subject: Re: Sunflower power plant in Kansas

Deliberative

Robert M. Sussman

Senior Policy Counsel to the Administrator

Office of the Administrator

US Environmental Protection Agency

From: Lisa Heinzerling/DC/USEPA/US

To: Richard Windsor/DC/USEPA/US@EPA

Cc: Bob Sussman/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA

Date: 05/26/2009 05:27 PM

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Deliberative

Hope you're having a good trip so far.

Lisa

To: mstanislaus@npcr.net[]
Cc: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Diane Thompson/OU=DC/O=USEPA/C=US
Sent: Wed 5/27/2009 9:11:16 PM
Subject: Re: staffing issues

Mathy,

I think 10:15 would work. I know you have a lot of questions about political positions for OSWER, and hopefully we can begin to sort some of this out. Here is some food for thought. Our current plan is to have one additional senior political appointee, currently designated as a non-career SES position, with you in OSWER. (Whoever told you there were 2 positions was wrong.) Our thought was that this position would be an Asso Asst Adm whose skills would complement your own. Our advice to all of the new AA's is to come in and get familiar with the program before making major personnel decisions. There is considerable talent in the agency's career personnel, as well as a deep understanding of program and precedent. From my experience, effectively connecting and integrating political leadership with institutional program leadership is a key ingredient to sustainable and successful program management. Once we agree on a direction, the HR folks can help with implementation.

Please let us know if 10:15 tomorrow still works for you, and what number to reach you at.

Looking forward to talking with you.

Diane

Diane E. Thompson
Chief of Staff
U. S. Environmental Protection Agency
202-564-6999

From: "Mathy Stanislaus" <mstanislaus@npcr.net>
To: Diane Thompson/DC/USEPA/US@EPA
Cc: Stephanie Washington/DC/USEPA/US@EPA
Date: 05/27/2009 03:19 PM
Subject: Re: staffing issues

I'm in meetings this afternoon and tomorrow. I can participate in a scheduled call tomorrow @ 10:15 or 12:30 tomorrow. I am not going to the RPM meeting.

-----Original Message-----

From: Thompson.Diane@epamail.epa.gov
To: Mathy Stanislaus
Cc: Washington.Stephanie@epamail.epa.gov
Sent: May 27, 2009 10:52 AM
Subject: staffing issues

Mathy,

Why don't we arrange a phone call so we can walk through your staffing questions? We have planned on having a second political appointee in OSWER at the non-career SES level. I understand you have some ideas about who you might want to bring in. If there are any other questions we can try to cover those as well. I will ask Stephanie to try to find a time this afternoon or tomorrow that we can talk. Have you decided about the RPM mtg?

Best,
Diane

Diane E. Thompson
Chief of Staff
U. S. Environmental Protection Agency
202-564-6999

Sent from my Verizon Wireless BlackBerry

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Diane Thompson/OU=DC/O=USEPA/C=US
Sent: Wed 5/27/2009 4:57:06 PM
Subject: Re: Special Assistant/Chief of Staff

I emailed him this am asking for a phone call to go over all this stuff. I will handle this. DT

From: Richard Windsor
Sent: 05/27/2009 11:34 AM EDT
To: "Diane Thompson" <thompson.diane@epa.gov>
Subject: Fw: Special Assistant/Chief of Staff

Did he get this from you?

From: "Mathy Stanislaus" [mstanislaus@npsr.net]
Sent: 05/27/2009 10:18 AM AST
To: Richard Windsor
Subject: RE: Special Assistant/Chief of Staff

Lisa:

Hope you're enjoying yourself a little bit. There are two Special Assistant slots with one currently designated for Chief of Staff.

Please do send me the two names for political deputy.

See you in a couple of weeks.

Thanks,

Mathy Stanislaus

From: Windsor.Richard@epamail.epa.gov [mailto:Windsor.Richard@epamail.epa.gov]
Sent: Wednesday, May 27, 2009 2:18 AM

To: Mathy Stanislaus
Subject: Re: Special Assistant/Chief of Staff

Hey Mathy. I am in Amsterdam/Paris this week and haven't had a chance to get the download from Diane on what Schedule C position(s) exist in OSWER. Have you confirmed that there is a Chief of Staff slot available? I'm not sure there is. don't think there is any problem with

If there is no Schedule C available, you could talk to Cynthia Giles about transferring Antoinette from OECA to OSWER.

There are at least 2 folks I think you should consider interviewing for possible political deputy if you have a Schedule C slot. Both are DC types with tons of experience with enviro groups and/or the Hill. I don't have their names with me but will send them to you when I get back.
Lj

From: "Mathy Stanislaus" [mstanislaus@npcr.net]
Sent: 05/26/2009 02:17 PM AST
To: Richard Windsor
Subject: Special Assistant/Chief of Staff

Lisa:

Attached is a resume of the person I'm thinking of for 1st Special Assistant/Chief of Staff.

She is currently serving as Special Assistant in OECA's Office of Site Remediation Enforcement. She has been with the OECA for 9 years. Prior to that, she worked in USEPA Region I ORC in the Superfund and RCRA. I know her from her time in New York when she worked in Mayor Dinkin's Office of Environmental Coordination.

Please provide me with your thoughts.

Mathy

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Diane Thompson/OU=DC/O=USEPA/C=US
Sent: Wed 5/27/2009 9:55:59 PM
Subject: Re: staffing issues

Deliberative

DT

Diane E. Thompson
Chief of Staff
U. S. Environmental Protection Agency
202-564-6999

From: Richard Windsor/DC/USEPA/US
To: Diane Thompson/DC/USEPA/US@EPA
Date: 05/27/2009 05:48 PM
Subject: Re: staffing issues

Deliberative

----- Original Message -----

From: Diane Thompson
Sent: 05/27/2009 05:11 PM EDT
To: mstanislaus@npsr.net
Cc: Richard Windsor
Subject: Re: staffing issues

Mathy,

I think 10:15 would work. I know you have a lot of questions about political positions for OSWER, and hopefully we can begin to sort some of this out. Here is some food for thought. Our current plan is to have one additional senior political appointee, currently designated as a non-career SES position, with you in OSWER. (Whoever told you there were 2 positions was wrong.) Our thought was that this position would be an Asso Asst Adm whose skills would complement your own. Our advice to all of the new AA's is to come in and get familiar with the program before making major personnel decisions. There is considerable talent in the agency's career personnel, as well as a deep understanding of program and precedent. From my experience, effectively connecting and integrating political leadership with institutional program leadership is a key ingredient to sustainable and successful program management. Once we agree on a direction, the HR folks can help with implementation.

Please let us know if 10:15 tomorrow still works for you, and what number to reach you at.
Looking forward to talking with you.
Diane

Diane E. Thompson
Chief of Staff
U. S. Environmental Protection Agency
202-564-6999

From: "Mathy Stanislaus" <mstanislaus@npcr.net>
To: Diane Thompson/DC/USEPA/US@EPA
Cc: Stephanie Washington/DC/USEPA/US@EPA
Date: 05/27/2009 03:19 PM
Subject: Re: staffing issues

I'm in meetings this afternoon and tomorrow. I can participate in a scheduled call tomorrow @ 10:15 or 12:30 tomorrow. I am not going to the RPM meeting.

-----Original Message-----

From: Thompson.Diane@epamail.epa.gov
To: Mathy Stanislaus
Cc: Washington.Stephannie@epamail.epa.gov
Sent: May 27, 2009 10:52 AM
Subject: staffing issues

Mathy,

Why don't we arrange a phone call so we can walk through your staffing questions? We have planned on having a second political appointee in OSWER at the non-career SES level. I understand you have some ideas about who you might want to bring in. If there are any other questions we can try to cover those as well. I will ask Stephanie to try to find a time this afternoon or tomorrow that we can talk. Have you decided about the RPM mtg?

Best,

Diane

Diane E. Thompson
Chief of Staff
U. S. Environmental Protection Agency
202-564-6999

Sent from my Verizon Wireless BlackBerry

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Diane Thompson/OU=DC/O=USEPA/C=US
Sent: Wed 5/27/2009 10:02:57 PM
Subject: Re: staffing issues

I think China is next week

Deliberative

Diane E. Thompson
Chief of Staff
U. S. Environmental Protection Agency
202-564-6999

From: Richard Windsor/DC/USEPA/US
To: Diane Thompson/DC/USEPA/US@EPA
Date: 05/27/2009 06:00 PM
Subject: Re: staffing issues

P.S. Maybe we should see if Gina wants to go to China w Lisa H. Too soon?

----- Original Message -----

From: Diane Thompson
Sent: 05/27/2009 05:55 PM EDT
To: Richard Windsor
Subject: Re: staffing issues

Deliberative

DT

Diane E. Thompson
Chief of Staff
U. S. Environmental Protection Agency
202-564-6999

From: Richard Windsor/DC/USEPA/US
To: Diane Thompson/DC/USEPA/US@EPA
Date: 05/27/2009 05:48 PM
Subject: Re: staffing issues

Deliberative

----- Original Message -----

From: Diane Thompson
Sent: 05/27/2009 05:11 PM EDT
To: mstanislaus@npsr.net
Cc: Richard Windsor
Subject: Re: staffing issues

Mathy,

I think 10:15 would work. I know you have a lot of questions about political positions for OSWER, and hopefully we can begin to sort some of this out. Here is some food for thought. Our current plan is to have one additional senior political appointee, currently designated as a non-career SES position, with you in OSWER. (Whoever told you there were 2 positions was wrong.) Our thought was that this position would be an Asst Adm whose skills would complement your own. Our advice to all of the new AA's is to come in and get familiar with the program before making major personnel decisions. There is considerable talent in the agency's career personnel, as well as a deep understanding of program and precedent. From my experience, effectively connecting and integrating political leadership with institutional program leadership is a key ingredient to sustainable and successful program management. Once we agree on a direction, the HR folks can help with implementation.

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U. S. Environmental Protection Agency
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Cc: Stephanie Washington/DC/USEPA/US@EPA
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Subject: Re: staffing issues

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Sent: May 27, 2009 10:52 AM
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Best,

Diane

Diane E. Thompson

Chief of Staff

U. S. Environmental Protection Agency

202-564-6999

Sent from my Verizon Wireless BlackBerry

To: "Richard Windsor" [Windsor.Richard@epamail.epa.gov]
From: CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US
Sent: Wed 5/27/2009 10:35:42 PM
Subject: Air

Sounds like Gina might start as early as June 4. (I have this confidentially from Arvin.)

This would mean she'd start while I'm away in Bonn and Beijing. This is great, except that you and I have not had a chance to talk about how my role and Gina's role work together. And I'm not sure - but you might know - whether Gina knows about the role I have been playing. I'm a little worried that confusion and misunderstanding could arise if I'm gone when Gina starts and if you and I (and Gina) haven't had a chance to talk things through.

Thoughts?

To: CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Arvin
Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=David
McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Lisa
Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-
LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Eric
Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Craig
Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Ray
Spears/OU=DC/O=USEPA/C=US@EPA;CN=Scott
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA[];
N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=David
McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Lisa
Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-
LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Eric
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Spears/OU=DC/O=USEPA/C=US@EPA;CN=Scott
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA[];
N=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Lisa
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Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA[];
N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-
LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Eric
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N=Ray Spears/OU=DC/O=USEPA/C=US@EPA;CN=Scott
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA[];
N=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Marcia
Mulkey/OU=DC/O=USEPA/C=US@EPA[]; N=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Diane Thompson/OU=DC/O=USEPA/C=US
Sent: Wed 5/27/2009 10:15:05 PM
Subject: Fw: TPs- 100 Days of the ARRA

Diane E. Thompson
Chief of Staff

U. S. Environmental Protection Agency
202-564-6999

----- Forwarded by Diane Thompson/DC/USEPA/US on 05/27/2009 06:14 PM -----

From: "Milakofsky, Benjamin E." <[Personal Privacy]>
To: "Lu, Christopher P." <[Personal Privacy]> Smith, Elizabeth S."
[Personal Privacy], "Kimball, Astri B." [Personal Privacy] "Hurlbut, Brandon K."
[Personal Privacy] French, Michael J." [Personal Privacy] Milakofsky,
Benjamin E." <[Personal Privacy]>
Date: 05/26/2009 07:42 PM
Subject: TPs- 100 Days of the ARRA

Cabinet Chiefs of Staff,

Please see the below talking points on the first 100 days of the Recovery Act.

--Cabinet Affairs

American Recovery and Reinvestment Act
The First 100 Days

On February 17, 2009, President Obama set a new course for the nation's financial future by signing into law the American Recovery and Reinvestment Act, the most sweeping economic package in the history of the country.

One-hundred days later, the Recovery Act is already at work providing essential financial relief for American families and businesses, creating and saving jobs, and fueling technology and infrastructure investments that will be the foundation of our economic recovery.

Our economic problems were not created in 100 days and they will not be solved in 100 days – but thanks to the Recovery Act, we are meeting the greatest economic challenges in a generation head-on and beginning to see early signs of progress across the country.

Immediate relief measures under the Recovery Act are providing a newfound sense of stability for American families.

Tax credits and other Recovery Act incentives are driving new consumer spending and creating new product demand.

Recovery Act aid to state governments is helping protect critical safety-net programs and saving thousands of teaching and law enforcement jobs.

Infrastructure improvement projects funded by the Recovery Act are bringing new jobs to hard-hit communities.

Recovery Act commitments to develop and commercialize new energy, transportation and health care technologies that are the foundation of the new economy are already boosting confidence and spurring private sector investment - before a single dime is spent.

And across the country, businesses are converting crisis to opportunity because of the promise they see with the Recovery Act.

Just 100 days into this two-year program, the Recovery Act is already making life better for families and

communities across the country – and we’re just getting started.

With every Recovery Act dollar invested and program started, we’ll move one step further down the road to recovery.

Immediate Relief

In the first 100 days of the Recovery Act:

- Over 150,000 jobs were created or saved.
- Laid-off individuals began collecting an extra \$25 a week in unemployment benefits paying 65 percent less for their COBRA health insurance premiums.
- Ninety-five percent of working families saw their take-home pay increase because of the Making Work Pay tax credit.
- Qualifying families saw their Supplemental Nutrition Assistance Program (SNAP) benefits increase by over 13 percent.
- Fifty-four million seniors received \$250 Recovery Act relief payments, with similar benefits going to veterans and other groups in the coming weeks.

Tax Credits

In the first 100 days of the Recovery Act:

- Thirteen different renewable energy and energy efficiency tax incentives were expanded or made newly available to consumers and businesses.
- The First-Time Homebuyer Tax Credit was expanded to help Americans receive a tax credit of up to \$8,000 after the purchase of a new home and over \$3 billion in these tax credits were paid out to qualifying homebuyers.

Aid to States

In the first 100 days of the Recovery Act:

- Over \$25 billion in Medical Assistance (FMAP) funds was made available to states, allowing them to avoid budget cuts to this critical safety net program.
- Seventeen states qualified for State Fiscal Stabilization Funds, bolstering their education programs and saving thousands of education-related jobs.
- Every state qualified for their first 10 percent of Weatherization Assistance Program and State Energy Fund dollars, creating up-front opportunities for new green jobs.

Infrastructure Projects

In the first 100 days of the Recovery Act:

- Over 3,600 transportation construction projects were funded in 52 states and territories.
- Over \$11 billion in highway construction funds went out the door, with billions more expected to be spent into the summer as construction season kicks off.

New Economy

In the first 100 days of the Recovery Act:

- An \$8 billion investment was made in bringing high-speed rail technology to key corridors across the country.
- \$2.4 billion in Recovery Act funds were made available to produce next-generation Plug-in Hybrid Electric Vehicles.
- A nearly \$800 million Recovery Act investment was made in accelerating the use of biofuels and bring them to market.
- \$300 million in Recovery act funds were made available to expand the nation’s fleet of alternative fuel vehicles through the Clean Cities program.
- A strategic plan was developed to leverage a \$4.5 billion dollar investment in Recovery Act funds to finally make a nationwide smart energy grid a reality.

Allison Jaslow

Office of the White House Communications Director
Personal Privacy

To: CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Ray Spears/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA[]; N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Ray Spears/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA[]; N=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Ray Spears/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Ray Spears/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA[]; N=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Ray Spears/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA[]; N=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Ray Spears/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA[]; N=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Ray Spears/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA[]; N=Ray Spears/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA[]; N=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA[]; N=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA[]

Cc: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]

From: CN=Diane Thompson/OU=DC/O=USEPA/C=US

Sent: Wed 5/27/2009 9:19:42 PM

Subject: Fw: What They're Saying About Judge Sotomayor
[Los Angeles Times, 5/27/09](#)
[5/27/09](#)
[New York Times, 5/27/09](#)
[Snowe Statement, 5/26/09](#)
[Lieberman Statement, 5/26/09](#)
[The New Republic, 5/26/09](#)

SCOTUS Blog, 5/26/2009
Los Angeles Times, 5/27/09
National Catholic Reporter, 5/26/09
The New Republic, Jeff Rosen, 5/26/09
New York Employment Law
Business Management Daily, 5/26/09
USA Today, 5/26/09
5/27/09
5/27/09
CBSNews.com, 5/27/09

FYI

Diane E. Thompson
Chief of Staff
U. S. Environmental Protection Agency
202-564-6999
----- Forwarded by Diane Thompson/DC/USEPA/US on 05/27/2009 05:16 PM -----

From: "Milakofsky, Benjamin E." [Deliberative]
To: "Lu, Christopher P." [Deliberative] "Smith, Elizabeth S."
[Deliberative] Kimball, Astri B." [Deliberative] "Hurlbut,
Brandon K." [Deliberative] "French, Michael J."
[Deliberative] "Milakofsky, Benjamin E." [Deliberative]
Date: 05/27/2009 03:51 PM
Subject: What They're Saying About Judge Sotomayor

Dear Cabinet Chiefs of Staff:

Please see the comments below regarding Judge Sotomayor's nomination.

--Cabinet Affairs

THE WHITE HOUSE
Office of the Press Secretary

FOR IMMEDIATE RELEASE
May 27, 2009

Praise for Sotomayor's Qualifications

Fellow Second Circuit Judge Guido Calabresi on Sotomayor: "She's Always a Very Forceful and Powerful Judge. She Has, Not on a Insignificant Number of Occasions, Caused Me to Change My Mind." "Judge Guido Calabresi, a fellow judge on the 2nd Circuit Court who taught the young Sotomayor torts at Yale, said she was the one who organized dinners for the judges on the court and their spouses. But he was also quick to praise her for her work on the bench. 'She's always a very forceful and powerful judge,' Calabresi said. 'She has, not on an insignificant number of occasions, caused me to change my mind. I would read one of the memos she had written on a case and say, 'I think she's got it and I don't.''" [Los Angeles Times, 5/27/09]

Former Chief Judge of the Second Circuit Court of Appeals and Carter Appointee Jon Newman Said Sotomayor Was “Everything One Would Want in a First-Rate Judge.” NPR reported that Judge Newman called Sotomayor a brilliant lawyer and a fair-minded pragmatist. “She is everything one would want in a first-rate judge,” he said. [NPR, 5/27/09]

Federal Judge And Former Appeals Lawyer Said Sotomayor Was Widely Regarded As An Excellent Judge Who Asked Questions That Were “Penetrating, But Fair.” “Some lawyers have described her courtroom manner as abrupt, but several others said in interviews that it represents nothing more than her direct, New York style. Judge Martin Glenn, who as a veteran appeals lawyer had appeared before her frequently, said that she was widely regarded as an excellent judge. Judge Glenn, now a federal bankruptcy judge, said that Judge Sotomayor always asked ‘questions that were penetrating but fair.’ ‘She was always respectful,’ he said. Judge Glenn said lawyers generally regard her as representative of what he said is called ‘a hot bench,’ meaning that questions come fast and furious and lawyers have to be fully prepared.” [New York Times, 5/27/09]

Sen. Olympia Snowe Called Sotomayor “Well-Qualified” And Said Her Selection Was “Historic.” “Indisputably, this is an historic selection, as Sonia Sotomayor is just the third woman to be nominated to The Court and the first Hispanic American. I commend President Obama for nominating a well-qualified woman, as I urged him to do during a one-on-one meeting on a variety of issues in the Oval Office earlier this month. I also appreciate that White House Chief of Staff Rahm Emanuel called me personally this morning to inform me of the President's selection.” [Snowe Statement, 5/26/09]

Sen. Joe Lieberman: Sotomayor “An Impressive Choice.” “President Obama made an impressive choice by nominating Judge Sotomayor for the position of Associate Justice for the Supreme Court. Judge Sotomayor’s career represents the best of the American dream and she possesses distinguished and superior legal credentials. I look forward to the upcoming hearings and I hope that there is a bi-partisan effort to ensure a fair confirmation process.” [Lieberman Statement, 5/26/09]

Founding Dean of UC-Irvine Law School Said Sotomayor “Is an Excellent Choice Because She is an Outstanding Judge.” Erwin Chemerinsky wrote, “But most of all, Sotomayor is an excellent choice because she is an outstanding judge. Her opinions are clearly written and invariably well-reasoned. My former students who have clerked for her rave about her as a judge and as a person. She has enormous experience as a lawyer and as a judge, both in the federal district court and the federal court of appeals. The bottom line is that the court will now have its third woman justice in history, its first Latina, and an individual who likely will be an excellent justice for decades to come.” [The New Republic, 5/26/09]

Lawyer and Supreme Court Expert Tom Goldstein Praises Sotomayor as “Extremely Intelligent” with “Overwhelming” Qualifications.” On MSNBC today, Goldstein said today, “Objectively, her qualifications are overwhelming from the perspective of ordinary Americans. She has been a prosecutor, private litigator, trial judge, and appellate judge. No one currently on the Court has that complete package of experience... The objective evidence is that Sotomayor is in fact extremely intelligent. Graduating at the top of the class at Princeton is a signal accomplishment. Her opinions are thorough, well-reasoned, and clearly written. Nothing suggests she isn’t the match of the other Justices.” [SCOTUS Blog, 5/26/2009]

NY D.A. Supervisor John W. Fried Lauded Sotomayor for Her Ability Right Out of Law School “To Move Almost Seamlessly From Studying Law in Law Books to Being an Assistant D.A. in a Large Urban Environment,” Compared Sotomayor to the Late Justice Byron White. “After graduation from Yale in 1979, and when many of her peers began lucrative careers in the private sector, Sotomayor became a prosecutor, working for venerable Manhattan Dist. Atty. Robert Morgenthau. She rose quickly from junior to senior assistant district attorney, moving from prosecuting misdemeanors to felonies. ‘She was right out of law school,’ said John W. Fried, who was Sotomayor's supervisor. ‘And what impressed me was her ability to move almost seamlessly from studying law from law books to being an assistant D.A. in a large urban environment -- with legal issues and factual issues that are not the subject of any law school curriculum.’... Fried compared Sotomayor to the late Justice Byron White. ‘I once had a

beer with Whizzer White,' Fried said. 'He was just a down-to-earth guy. She very much reminded me of that. Unpretentious. A humble-type person who through hard work and effort was given a great opportunity.'" [Los Angeles Times, 5/27/09]

New York District Attorney Robert Morgenthau: Sotomayor's Story Is a Credit to The U.S. That Individuals From Humble Beginnings Can Be Nominated For The Highest Court In The Land. "President Obama has made an outstanding choice in selecting Judge Sonia Sotomayor to serve on the United States Supreme Court. Throughout her career Judge Sotomayor has shown that she possesses the wisdom, intelligence, collegiality, and good character needed to fill the position for which she has been nominated. It is a credit to the President, and indeed to the United States, that an individual born in humble circumstances in the South Bronx can, simply by dint of talent and hard work, rise to be recognized as the right candidate for a seat on the highest Court in the land." [Morgenthau Statement, 5/26/09]

Harvard Law Professor Ogletree Calls Sotomayor a "Bold and Brilliant Choice." On MSNBC today, Harvard Law Professor Charles Ogletree said, "I think it's a bold and brilliant choice by President Obama, I think she has all the characteristics that he talked about: empathy, experience, judgment. She will walk right into the Supreme Court on first Monday in October and she will be a very significant contributor to the intellectual dialogue going forward." [MSNBC, 5/26/2009]

Praise for Sotomayor's Pragmatism

Pepperdine Constitutional Law Professor Doug Kmiec Said Obama Chose Sotomayor For Her Legal Experience, Training, and Attention "For The Factual Record As It Effects Real Human Lives." Douglas Kmiec wrote, "President Obama did not select Judge Sotomayor for her judicial outcomes, but for her experience...In terms of legal training, the opposition will find it difficult to find any omission in preparation -- the prosecution of dozens of criminal cases as an assistant DA in Manhattan; a partner in a major New York firm dealing with highly detailed and complex intellectual property and commercial litigation; a trial judge for six years showing a meticulous attention -- and yes empathy -- for the factual record as it affects real human lives, and an appellate judge for 11 years where she participated in over 3000 decisions and authored roughly 400. It's doubtful that anyone has totally catalogued all of these cases and no doubt they will be flyspecked. Yet, my preliminary review is that this is a woman who cares deeply about justice, both when the facts cry out for it -- as in her favorable view of asylum cases of Chinese women who experienced or were threatened with forced birth control, and when the facts do merit special consideration, as when churches and religious associations are trying to maintain their own internal procedures without state interference." [National Catholic Reporter, 5/26/09]

TNR's Jeff Rosen: "Of Course Judge Sotomayor Should Be Confirmed," Highlighted "The Range of Her Experience." "Of course, Judge Sotomayor should be confirmed to the Supreme Court...the strongest case to be made for Sotomayor is the idea that the range of her experience--as a trial judge, appellate judge, and commercial litigator--might give her the humility to recognize that courts participate in a dialogue with the political branches when it comes to defining constitutional rights, rather than having the last word." [The New Republic, Jeff Rosen, 5/26/09]

Court Watchers and Attorneys Said Sotomayor Would Bring A Pragmatic Perspective To Employment Law, Was "Incredibly Well-Prepared" In Court. "Judge Sonia Sotomayor, President Obama's nominee to replace retiring Supreme Court Justice David Souter, will bring a pragmatic perspective on employment law to the High Court if she is confirmed, say court watchers and attorneys who have argued cases before her. Currently serving as one of 21 judges on the United States Court of Appeals for the 2nd Circuit, Sotomayor has authored more than 150 opinions in civil cases since 1998, including several that directly dealt with employment law. The picture that emerges from an analysis of her decisions, according to Tom Goldstein, a Washington, D.C., attorney and legal-affairs blogger, is of a jurist who sides with employees some of the time, and with employers in the kinds of cases that often reach the Supreme Court. Other employment law attorneys who have argued cases before Sotomayor say she does her homework and expects attorneys to have done theirs. 'My colleagues who have tried cases before Judge Sotomayor say she is incredibly well prepared and asks good questions,' says Louis P. DiLorenzo, editor of HR

Specialist's New York Employment Law newsletter and co-chair of the Labor and Employment Law Department at Bond, Schoeneck & King." [Business Management Daily, 5/26/09]

Cornell Law Professor Said Sotomayor's Experience In Business Law Would Bring An Important Perspective To Court That Would Face Increasingly Important Economical Issues. "Cornell law professor Michael Dorf said Tuesday, 'Her experience as a judge on the 2nd Circuit — with a large commercial and corporate docket— will bring an important perspective to a Court that will increasingly face important issues regarding the regulation of the national economy.'" [USA Today, 5/26/09]

Praise for Sotomayor's Non-Ideological Approach to the Law

Second Circuit Court of Appeals Judge Roger Miner, Appointed by President Reagan, Said He Would Not Classify Sotomayor in One Ideological Camp or Another But Rather as an "Outstanding Judge." NPR reported that Judge Miner called Sotomayor an excellent choice. "I don't think I'd go as far as to classify her in one camp or another. I think she just deserves the classification of outstanding judge," he said. [NPR, 5/27/09]

Second Circuit Court of Appeals Judge John Walker, Appointed by President George H. W. Bush, Said Sotomayor Was Not an Ideological or Activist Judge Pushing a Political Agenda. NPR reported that Judge Walker called Sotomayor an independent thinker. "While her views are liberal, I don't consider her to be an ideological judge or an activist judge pushing a political agenda," he said. [NPR, 5/27/09]

Former Clerk Julia Tarver Mason: Sotomayor "Is Not Someone Who Is Going to Try to Reach a Particular Result in a Particular Case. She Calls Them Straight Down the Middle, Just Like She Sees Them." "Julia Tarver Mason, who spent a year clerking for Sotomayor when she was a federal judge, told CBS' The Early Show Wednesday that Sotomayor 'is not someone who is going to try to reach a particular result in a particular case. She calls them straight down the middle, just like she sees them.' Conservative radio host Rush Limbaugh went so far as to call Sotomayor a 'reverse racist' for her decision ruling against mainly white firefighters who had filed a reverse discrimination suit against New Haven, Conn. 'That's an absurd notion,' Mason said 'Judge Sotomayor is one of the most egalitarian people I have ever met. She treats people equally, no matter their background or ethnicity. I think the...fact that people from the right are throwing these outrageous allegations right now is just an indication that they don't know much about her record.'" [CBSNews.com, 5/27/09]

Founder Of Freedom Watch And Judicial Watch Issued Statement That Praised Sotomayor Selection As A "Very Prudent And Wise Decision," Wished Her Nomination Success. "Today, Larry Klayman, the founder, chairman and general counsel of Freedom Watch (and also the founder of Judicial Watch), issued the following statement on President Obama's selection of Sonia Sotomayor as nominee for Supreme Court Justice to replace David Souter: 'While I would have liked to see a more conservative libertarian type on the high court, President Obama's selection of New York federal appeals court Judge Sonia Sotomayor, was a very prudent and wise decision from a far left liberal like Obama. Having initially been appointed to the bench by President George H. W. Bush, soon to be justice Sotomayor has previously pledged to follow the Constitution, and not legislate from the bench, and her career as a federal court judge suggests, as a whole, that this is the way she will administer to the law. It is also great to have a highly qualified Latina on the bench. The Latin culture, with its emphasis on family and family values, will be a welcome addition, as an understanding of real life relationships is important for any jurist. And, as the largest minority in the United States, its time that Latins can take pride that they too are now part of the legal system. On behalf of Freedom Watch and the American people, we wish Justice Sotomayor much success.'" [Klayman Statement Provided To WHO via Chuck Todd e-mail, 5/26/09]

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To: CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]; N=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]; N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Diane Thompson/OU=DC/O=USEPA/C=US
Sent: Thur 5/28/2009 2:46:59 AM
Subject: Re: Time-Sensitive Decisions on PCS Phosphate

Bob,

Deliberative

----- Original Message -----

From: Bob Sussman

Sent: 05/27/2009 07:12 PM EDT

To: Richard Windsor

Cc: Diane Thompson; Scott Fulton; Arvin Ganesan

Subject: Time-Sensitive Decisions on PCS Phosphate

Lisa -- we are at a decision-point on the PCS Phosphates wetlands matter in North Carolina and your immediate guidance is needed.

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Much of the mining site consists of wetlands, especially the two northern portions known as the NCPC tract and the Bonnerton tract, which contain primary nursing areas (PNAs) for fisheries. EPA has been concerned about the impacts on the PNAs of the loss of wetlands and streams and has sought additional protection of wetlands bordering these areas to avoid harm to fisheries resources.

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Deliberative

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Thanks!

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

To: CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]; N=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]; N=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Scott Fulton/OU=DC/O=USEPA/C=US
Sent: Thur 5/28/2009 8:25:09 AM
Subject: Re: Time-Sensitive Decisions on PCS Phosphate

Deliberative

----- Original Message -----

From: Diane Thompson
Sent: 05/27/2009 10:46 PM EDT
To: Bob Sussman; Richard Windsor
Cc: Scott Fulton; Arvin Ganesan
Subject: Re: Time-Sensitive Decisions on PCS Phosphate

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Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

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Cc: CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Scott
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[];
N=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Arvin
Ganesan/OU=DC/O=USEPA/C=US@EPA[]; N=Arvin
Ganesan/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Bob Sussman/OU=DC/O=USEPA/C=US
Sent: Wed 5/27/2009 11:12:08 PM
Subject: Time-Sensitive Decisions on PCS Phosphate

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Deliberative

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Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US
Sent: Thur 5/28/2009 11:27:17 AM
Subject: Re: Air

I leave for Bonn this coming Sunday, then for Beijing from Bonn the following Saturday. I return here on June 11.

----- Original Message -----

From: Richard Windsor
Sent: 05/28/2009 01:52 AM EDT
To: Lisa Heinzerling
Subject: Re: Air

Hmm. What are the dates for Bonn? What are the dates for China?

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From: Lisa Heinzerling
Sent: 05/27/2009 06:35 PM EDT
To: Richard Windsor
Subject: Air

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Thoughts?

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Cc: CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]; N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Bob Sussman/OU=DC/O=USEPA/C=US
Sent: Thur 5/28/2009 10:53:36 AM
Subject: Re: Time-Sensitive Decisions on PCS Phosphate

Deliberative

----- Original Message -----

From: Diane Thompson
Sent: 05/27/2009 10:46 PM EDT
To: Bob Sussman; Richard Windsor
Cc: Scott Fulton; Arvin Ganesan
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Cc: CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Scott Fulton/OU=DC/O=USEPA/C=US
Sent: Thur 5/28/2009 12:03:46 PM
Subject: Re: Time-Sensitive Decisions on PCS Phosphate

Deliberative

----- Original Message -----

From: Bob Sussman
Sent: 05/28/2009 06:53 AM EDT
To: Diane Thompson; Richard Windsor
Cc: Scott Fulton; Arvin Ganesan
Subject: Re: Time-Sensitive Decisions on PCS Phosphate

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Robert M. Sussman
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Office of the Administrator
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To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US
Sent: Thur 5/28/2009 12:12:23 PM
Subject: Re: Air

I agree with you talking with her and saying we all need to meet when I get back.

I haven't wanted to call her until you and I had a chance to talk because I haven't wanted to say anything that's inconsistent with what you have in mind. If you give me a quick idea of what you have in mind for our roles, I'll be really happy to call her. Is it possible to give me a sense in an email?

From: Richard Windsor/DC/USEPA/US
To: Lisa Heinzerling/DC/USEPA/US@EPA
Date: 05/28/2009 07:51 AM
Subject: Re: Air

Deliberative

You could also call and talk to her or meet with her tomorrow. Your call on that.

----- Original Message -----

From: Lisa Heinzerling
Sent: 05/28/2009 07:27 AM EDT
To: Richard Windsor
Subject: Re: Air

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Thoughts?

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Bob Sussman/OU=DC/O=USEPA/C=US
Sent: Thur 5/28/2009 12:36:15 PM
Subject: Fw: Time-Sensitive Decisions on PCS Phosphate

Just wanted to nudge you on this. unfortunately we're running out of time . . .

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency
----- Forwarded by Bob Sussman/DC/USEPA/US on 05/28/2009 08:34 AM -----

From: Scott Fulton/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA
Cc: Arvin Ganesan/DC/USEPA/US@EPA
Date: 05/28/2009 08:03 AM
Subject: Re: Time-Sensitive Decisions on PCS Phosphate

Deliberative

----- Original Message -----

From: Bob Sussman
Sent: 05/28/2009 06:53 AM EDT
To: Diane Thompson; Richard Windsor
Cc: Scott Fulton; Arvin Ganesan
Subject: Re: Time-Sensitive Decisions on PCS Phosphate

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Deliberative

Deliberative

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Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

To: windsor.richard@epa.gov[]
Cc: brooks-lashure.allyn@epa.gov[]
From: CN=Scott Fulton/OU=DC/O=USEPA/C=US
Sent: Thur 5/28/2009 1:01:03 PM
Subject: Fw: Fw: Paris press briefing

Worth reading in prep for press work later today. See you soon.

----- Original Message -----

From: Lisa Heinzerling
Sent: 05/28/2009 08:33 AM EDT
To: Scott Fulton
Subject: Re: Fw: Paris press briefing
For what it's worth (may be too late?), here are my reactions to the press materials:

Deliberative

Let me know if I should put any of these ideas in a more user-friendly format (such as specific suggestions for language).

Thanks, Scott. I hope you're having a good trip.

Best,
Lisa

From: Scott Fulton/DC/USEPA/US
To: heinzerling.lisa@epa.gov
Date: 05/28/2009 08:10 AM
Subject: Fw: Paris press briefing

Just wanted to make sure you were in the loop on these responses?

-----Forwarded by Scott Fulton/DC/USEPA/US on 05/28/2009 02:09PM -----

To: fulton.scott@epa.gov
From: Megan Cryan/DC/USEPA/US
Date: 05/28/2009 10:28AM
Subject: Fw: Paris press briefing

Adora Andy

----- Original Message -----

From: Adora Andy
Sent: 05/27/2009 09:38 PM EDT
To: "Allyn Brooks-LaSure" <brooks-lasure.allyn@epa.gov>; Katharine Gage; "Megan Cryan" <cryan.megan@epa.gov>
Cc: Robert Goulding; "Marcus McClendon" <mcclendon.marcus@epa.gov>; "Eric Wachter" <wachter.eric@epa.gov>
Subject: Paris press briefing
Here is the LPJ press briefing for Thursday's booked interviews and Friday's gaggle.
Thanks all!
Betsaida Alcantara

----- Original Message -----

From: Betsaida Alcantara
Sent: 05/27/2009 06:36 PM EDT
To: Adora Andy
Subject: Re: Paris press briefing
updated

Betsaida Alcantara---05/27/2009 06:32:56 PM---[attachment "052709 - Paris Press Briefing.doc" deleted by Betsaida Alcantara/DC/USEPA/US]

From:
Betsaida Alcantara/DC/USEPA/US

To:
Adora Andy/DC/USEPA/US@EPA

Date:
05/27/2009 06:32 PM

Subject:
Paris press briefing

[attachment "052709 - Paris Press Briefing.doc" deleted by Betsaida Alcantara/DC/USEPA/US]

[attachment "052709 - Paris Press Briefing.doc" deleted by Lisa Heinzerling/DC/USEPA/US]

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]; N=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Bob Sussman/OU=DC/O=USEPA/C=US
Sent: Thur 5/28/2009 3:16:28 PM
Subject: Re: Time-Sensitive Decisions on PCS Phosphate

These are all good issues and we will address them, I will let about getting more time. I think we will have to invoke your name to make our case.

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

From: Richard Windsor/DC/USEPA/US
To: Scott Fulton/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA
Cc: Arvin Ganesan/DC/USEPA/US@EPA
Date: 05/28/2009 09:53 AM
Subject: Re: Time-Sensitive Decisions on PCS Phosphate

Bob,



Deliberative

Tx, Lj

----- Original Message -----

From: Scott Fulton

Sent: 05/28/2009 08:03 AM EDT

To: Bob Sussman; Diane Thompson; Richard Windsor

Cc: Arvin Ganesan

Subject: Re: Time-Sensitive Decisions on PCS Phosphate

Deliberative

----- Original Message -----

From: Bob Sussman

Sent: 05/28/2009 06:53 AM EDT

To: Diane Thompson; Richard Windsor

Cc: Scott Fulton; Arvin Ganesan

Subject: Re: Time-Sensitive Decisions on PCS Phosphate

Deliberative

----- Original Message -----

From: Diane Thompson

Sent: 05/27/2009 10:46 PM EDT

To: Bob Sussman; Richard Windsor

Cc: Scott Fulton; Arvin Ganesan

Subject: Re: Time-Sensitive Decisions on PCS Phosphate

Bob,

Deliberative

----- Original Message -----

From: Bob Sussman

Sent: 05/27/2009 07:12 PM EDT

To: Richard Windsor

Cc: Diane Thompson; Scott Fulton; Arvin Ganesan

Subject: Time-Sensitive Decisions on PCS Phosphate

Lisa -- we are at a decision-point on the PCS Phosphates wetlands matter in North Carolina and your immediate guidance is needed.

PCS Phosphates, a subsidiary of PotashCorp in Canada, has proposed to mine about 15,100 acres on three tracts of land adjacent to its existing mining and refining operations. The mining site is located on the southern shore of the

Pamlico River within the Albermarle-Pamlico National Estuary. PCS Phosphates is the largest employer in Beaufort County and one of the largest in Eastern North Carolina. If the site is developed, it would represent the single largest permitted wetland fill in the history of North Carolina.

Much of the mining site consists of wetlands, especially the two northern portions known as the NCPC tract and the Bonnerton tract, which contain primary nursing areas (PNAs) for fisheries. EPA has been concerned about the impacts on the PNAs of the loss of wetlands and streams and has sought additional protection of wetlands bordering these areas to avoid harm to fisheries resources.

The permitting process has been long and tortuous, with the company over time substantially reducing the acres of impacted wetlands as a result of discussions with the Army Corps and the State of North Carolina. Because it felt additional avoidance was needed, Mike Shapiro on March 15 elevated the permit under 404(q) for direct consideration by the Acting Assistant Secretary for Civil Works (now Rock Salt). Following additional meetings between PCS, EPA and the Corps, the company has offered additional avoidance near the PNAs (34.7 acres of wetlands, 47 acres of uplands) and to establish permanent conservation easements on the tidal creeks and 100 foot buffers. In addition, EPA, the Corps and the resource agencies (NMFS and FWS) are working on permit conditions to improve reclamation and the adaptive management provisions that will allow for federal oversight of environmental impacts as mining proceeds.

Deliberative

Thanks!

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Diane Thompson/OU=DC/O=USEPA/C=US
Sent: Thur 5/28/2009 1:37:42 PM
Subject: Re: Sunflower and North Carolina permit

Deliberative

Diane E. Thompson
Chief of Staff
U. S. Environmental Protection Agency
202-564-6999

From: Richard Windsor/DC/USEPA/US
To: Diane Thompson/DC/USEPA/US@EPA
Date: 05/28/2009 09:20 AM
Subject: Re: Sunflower power plant in Kansas and CFO

Thx!

----- Original Message -----

From: Diane Thompson
Sent: 05/27/2009 08:11 AM EDT
To: Richard Windsor
Cc: Allyn Brooks-LaSure; Bob Sussman; Lisa Heinzerling
Subject: Re: Sunflower power plant in Kansas and CFO

Deliberative

Diane E. Thompson
Chief of Staff
U. S. Environmental Protection Agency
202-564-6999

From: Lisa Heinzerling/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA
Cc: Allyn Brooks-LaSure/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA

Date: 05/27/2009 07:37 AM
Subject: Re: Sunflower power plant in Kansas

Sounds good to me.

----- Original Message -----

From: Richard Windsor
Sent: 05/26/2009 06:19 PM EDT
To: Bob Sussman; Lisa Heinzerling
Cc: Allyn Brooks-LaSure; Diane Thompson
Subject: Re: Sunflower power plant in Kansas

Deliberative

----- Original Message -----

From: Bob Sussman
Sent: 05/26/2009 06:00 PM EDT
To: Lisa Heinzerling
Cc: Allyn Brooks-LaSure; Diane Thompson; Richard Windsor
Subject: Re: Sunflower power plant in Kansas

Deliberative

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

From: Lisa Heinzerling/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: Bob Sussman/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA
Date: 05/26/2009 05:27 PM
Subject: Sunflower power plant in Kansas

Lisa,

No doubt you have heard about the long-running dispute in Kansas over a proposal to build the "Sunflower" power plant. This facility was originally proposed as two 700-megawatt, coal-fired power plants. Based on Kansas state law, the Secretary of the Kansas Department of Health and Environment (KDHE) denied a permit for the facility in October 2007, citing concerns about climate change. While governor, Kathleen Sebelius vetoed three separate bills

that would have overturned the denial of the permit under state law.

In early May, the new Kansas governor, Mark Parkinson, reached an agreement with the developers of the plant. The agreement would grant approval to construct one 895-megawatt plant. The agreement also requires construction or purchase of wind resources, use of biomass on the unit already existing at the relevant location, particular emission rates for the existing unit, etc. The agreement requires the Secretary of the KDHE to issue the final permit substantially in the form of the draft final permit prepared by KDHE technical staff in July 2007. (This is the permit that was eventually denied by the KDHE Secretary.)

Within days of the agreement, the Kansas legislature passed a bill that, among other things, require timely approval of a PSD permit for the Sunflower plant. Like the agreement itself, the bill requires the Secretary of the KDHE to "issue the final permit substantially in the form of the final draft permit prepared by KDHE technical staff" in July 2007. The bill also requires (ambiguously) "the confirmation of BACT emission limitations and PSD consumption restraints." The bill awaits Governor Parkinson's signature.

KDHE has indicated to Region 7 that Sunflower believes that it need not submit a new application for the new proposal for one 895-megawatt plant. Instead, Sunflower believes that it can submit a "redlined" version of the previous application, indicating relevant changes to the document. Sunflower also believes that it need only submit to a limited public comment period.

At EPA, OGC, OECA, OAQPS, and Region 7 are of one mind: they agree that Sunflower must submit a new permit application for this plant and that the permit application must be subject to an ordinary public comment period. Bob S. and I met with all of these offices today and concur in their conclusion.

A meeting is scheduled for this coming Thursday, May 28, in Kansas. The meeting will include representatives from Region 7, plus representatives from Sunflower, KDHE, and possibly Governor Parkinson's office. At this meeting, Region 7 intends to inform Sunflower and the state officials that Sunflower must submit a new application and undergo a new public comment period.

I'm writing to you not only to apprise you of this situation but also to gauge your interest in scheduling a phone call with Governor Parkinson. The Sunflower plant has been a hugely contentious political issue in Kansas for several years. EPA's decision to require a new permit application for the facility may be perceived as federal overreaching in light of the brand-new agreement between the developers and the state. The answer to this is that EPA's position is required by federal law. Nevertheless, the EPA decision will be a big deal in Kansas, and a phone call from you may calm the waters a bit. Governor Parkinson is the Democratic successor to Governor Sebelius. He believes that his agreement with Sunflower settles a matter that has dogged Kansas politics for some years. A call from you would at least be a sign that you realize that the matter is important.

Deliberative

Hope you're having a good trip so far.

Lisa

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US
Sent: Thur 5/28/2009 3:59:07 PM
Subject: Re:

Thanks.

From: Richard Windsor/DC/USEPA/US
To: Lisa Heinzerling/DC/USEPA/US@EPA
Date: 05/28/2009 09:59 AM
Subject: Re:

Sure. My only input is what you and i discussed many months ago...

Deliberative

----- Original Message -----

From: Lisa Heinzerling
Sent: 05/28/2009 09:55 AM EDT
To: Richard Windsor

Just called Gina. She and I are going to talk at noon. I figured she and I can figure a lot of things out together. Hope that's ok.

To: CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Ray Spears/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA[];
 N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Ray Spears/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA[];
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 N=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA[]; N=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Diane Thompson/OU=DC/O=USEPA/C=US
Sent: Thur 5/28/2009 4:02:26 PM
Subject: Fw: Follow-up Information from Cabinet Affairs
[Automotive Counties.xls](#)
[2009preemption.mem.rel.pdf](#)
[052009.docx](#)

Not sure I sent this around previously, but it includes the memo on preemption.

Diane E. Thompson
Chief of Staff
U. S. Environmental Protection Agency
202-564-6999

----- Forwarded by Diane Thompson/DC/USEPA/US on 05/28/2009 11:50 AM -----

From: "Lu, Christopher P." <[Redacted] Deliberative [Redacted]>
To: "Lu, Christopher P." [Redacted] Deliberative [Redacted] "Smith, Elizabeth S." [Redacted]
[Redacted] Deliberative [Redacted] "Kimball, Astri B." [Redacted] Deliberative [Redacted] "Hurlbut, Brandon K." [Redacted]
[Redacted] Deliberative [Redacted] "French, Michael J." [Redacted] Deliberative [Redacted] "Milakofsky, Benjamin E." [Redacted] Deliberative [Redacted]
Date: 05/20/2009 05:17 PM
Subject: Follow-up Information from Cabinet Affairs

Dear Cabinet Chiefs of Staff:

- 1) Attached is the spreadsheet that Ed Montgomery mentioned yesterday of the 281 counties that have a major automotive presence.
- 2) Attached is a presidential memorandum signed today on preemption.
- 3) Attached are talking points on the two bills that the President signed today.
- 4) There are some changes to the schedule for the next few weeks:
 - a. Recovery Event Next Week – Agencies should plan to do at least one event outside of DC next week. White House communications will be asking your communications teams for event ideas tomorrow and will follow up with your teams on regional press requests.
 - b. May 28 VP Recovery Meeting – This will no longer be a media event about the next 100 days of recovery, and will be a regular VP recovery meeting.
 - c. June 8 Recovery Meeting – This will be a media event at the White House with the Cabinet on the next 100 days of Recovery. We are asking you to hold time for this.

Please let me know if you have any questions.

--Chris

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

May 20, 2009

May 20, 2009

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Preemption

From our Nation's founding, the American constitutional order has been a Federal system, ensuring a strong role for both the national Government and the States. The Federal Government's role in promoting the general welfare and guarding individual liberties is critical, but State law and national law often operate concurrently to provide independent safeguards for the public. Throughout our history, State and local governments have frequently protected health, safety, and the environment more aggressively than has the national Government.

An understanding of the important role of State governments in our Federal system is reflected in longstanding practices by executive departments and agencies, which have shown respect for the traditional prerogatives of the States. In recent years, however, notwithstanding Executive Order 13132 of August 4, 1999 (Federalism), executive departments and agencies have sometimes announced that their regulations preempt State law, including State common law, without explicit preemption by the Congress or an otherwise sufficient basis under applicable legal principles.

The purpose of this memorandum is to state the general policy of my Administration that preemption of State law by executive departments and agencies should be undertaken only with full consideration of the legitimate prerogatives of the States and with a sufficient legal basis for preemption. Executive departments and agencies should be mindful that in our Federal system, the citizens of the several States have distinctive circumstances and values, and that in many instances it is appropriate for them to apply to themselves rules and principles that reflect these circumstances and values. As Justice Brandeis explained more than 70 years ago, "[i]t is one of the happy incidents of the federal system that a single courageous state may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country."

To ensure that executive departments and agencies include statements of preemption in regulations only when such statements have a sufficient legal basis:

1. Heads of departments and agencies should not include in regulatory preambles statements that the department or agency intends to preempt State law through the regulation except where preemption provisions are also included in the codified regulation.

more

(OVER)

2. Heads of departments and agencies should not include preemption provisions in codified regulations except where such provisions would be justified under legal principles governing preemption, including the principles outlined in Executive Order 13132.

3. Heads of departments and agencies should review regulations issued within the past 10 years that contain statements in regulatory preambles or codified provisions intended by the department or agency to preempt State law, in order to decide whether such statements or provisions are justified under applicable legal principles governing preemption. Where the head of a department or agency determines that a regulatory statement of preemption or codified regulatory provision cannot be so justified, the head of that department or agency should initiate appropriate action, which may include amendment of the relevant regulation.

Executive departments and agencies shall carry out the provisions of this memorandum to the extent permitted by law and consistent with their statutory authorities. Heads of departments and agencies should consult as necessary with the Attorney General and the Office of Management and Budget's Office of Information and Regulatory Affairs to determine how the requirements of this memorandum apply to particular situations.

This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

The Director of the Office of Management and Budget is authorized and directed to publish this memorandum in the *Federal Register*.

BARACK OBAMA

#

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US
Sent: Thur 5/28/2009 4:31:42 PM
Subject: update

Just had a perfectly wonderful conversation with Gina. It will be terrific to work with her.

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US
Sent: Thur 5/28/2009 4:47:52 PM
Subject: OW and Bonn

A question from you, asked in Europe, has come around the world to me. The question you apparently asked was whether anyone from OW was going to Bonn. The answer was no. The question now has come to me whether your question meant that you are concerned about the absence of a person from OW and whether we should scurry to add someone to the delegation. I expressed the opinion that you are an excellent communicator and that if you were truly concerned, you would express this opinion directly. But...in case the message has been garbled on its transatlantic journey, I thought I'd ask directly: would you like someone from OW go to Bonn?

WH TPs for Today- Bill Signings

- Today, President Obama is signing two landmark pieces of legislation that will protect hardworking Americans, crack down on those who seek to take advantage of them, and ensure that the problems that led us into this crisis never happen again.
- The Helping Families Save Their Homes Act advances the goals of the Administration's existing housing plan by providing assistance to responsible homeowners and preventing avoidable foreclosures.
 - It removes technical hurdles to help families get into affordable mortgages and stay in their homes and expands programs to help them modify or refinance their mortgages.
 - It helps prevent responsible renters from being unfairly evicted from homes that go through foreclosure because the owners haven't been paying their mortgages.
 - It provides comprehensive new resources for homeless Americans.
- The other bill the President will sign today – The Fraud Enforcement and Recovery Act – gives prosecutors and regulators new tools to crack down on what helped cause this crisis in the first place – the twin scourges of mortgage fraud and predatory lending.
 - It expands resources available to law enforcement and federal agencies to target fraud, bring criminals to justice, and protect hardworking Americans.
 - It allows DOJ to prosecute anyone who fraudulently obtains Recovery Act or TARP funds – precious taxpayer dollars we've carefully invested in order to turn this crisis around.
 - It fixes outdated provisions so that private mortgage lenders are held accountable under anti-fraud laws.
 - And it creates a bipartisan Financial Markets Commission to investigate the financial practices that brought us to this point so that we never have a crisis like this again.

FIPS	County Name	State
1013	Butler	AL
1021	Chilton	AL
1083	Limestone	AL
1085	Lowndes	AL
1095	Marshall	AL
1101	Montgomery	AL
1121	Talladega	AL
1125	Tuscaloosa	AL
5023	Cleburne	AR
5041	Desha	AR
5055	Greene	AR
5083	Logan	AR
6001	Alameda	CA
10003	New Castle	DE
13167	Johnson	GA
13285	Troup	GA
17007	Boone	IL
17025	Clay	IL
17031	Cook	IL
17047	Edwards	IL
17067	Hancock	IL
17113	McLean	IL
17121	Marion	IL
17155	Putnam	IL
17187	Warren	IL
17189	Washington	IL
17191	Wayne	IL
18001	Adams	IN
18003	Allen	IN
18005	Bartholomew	IN
18009	Blackford	IN
18015	Carroll	IN
18017	Cass	IN
18025	Crawford	IN
18031	Decatur	IN
18033	De Kalb	IN
18035	Delaware	IN
18037	Dubois	IN
18039	Elkhart	IN
18041	Fayette	IN
18045	Fountain	IN
18047	Franklin	IN
18051	Gibson	IN
18053	Grant	IN
18059	Hancock	IN
18061	Harrison	IN
18065	Henry	IN
18067	Howard	IN
18071	Jackson	IN

18075	Jay	IN
18077	Jefferson	IN
18081	Johnson	IN
18087	Lagrange	IN
18093	Lawrence	IN
18103	Miami	IN
18107	Montgomery	IN
18113	Noble	IN
18123	Perry	IN
18133	Putnam	IN
18135	Randolph	IN
18141	St. Joseph	IN
18143	Scott	IN
18147	Spencer	IN
18149	Starke	IN
18151	Steuben	IN
18153	Sullivan	IN
18157	Tippecanoe	IN
18159	Tipton	IN
18175	Washington	IN
18179	Wells	IN
18183	Whitley	IN
19029	Cass	IA
19037	Chickasaw	IA
19071	Fremont	IA
19089	Howard	IA
19095	Iowa	IA
19115	Louisa	IA
19149	Plymouth	IA
19157	Poweshiek	IA
19175	Union	IA
19197	Wright	IA
20001	Allen	KS
20209	Wyandotte	KS
21003	Allen	KY
21009	Barren	KY
21017	Bourbon	KY
21023	Bracken	KY
21031	Butler	KY
21033	Caldwell	KY
21041	Carroll	KY
21043	Carter	KY
21055	Crittenden	KY
21057	Cumberland	KY
21069	Fleming	KY
21073	Franklin	KY
21075	Fulton	KY
21077	Gallatin	KY
21081	Grant	KY
21093	Hardin	KY

21099	Hart	KY
21101	Henderson	KY
21103	Henry	KY
21107	Hopkins	KY
21111	Jefferson	KY
21113	Jessamine	KY
21121	Knox	KY
21123	Larue	KY
21137	Lincoln	KY
21151	Madison	KY
21155	Marion	KY
21167	Mercer	KY
21169	Metcalfe	KY
21173	Montgomery	KY
21179	Nelson	KY
21183	Ohio	KY
21191	Pendleton	KY
21199	Pulaski	KY
21207	Russell	KY
21209	Scott	KY
21211	Shelby	KY
21213	Simpson	KY
21221	Trigg	KY
21227	Warren	KY
21229	Washington	KY
22017	Caddo	LA
26009	Antrim	MI
26025	Calhoun	MI
26045	Eaton	MI
26049	Genesee	MI
26059	Hillsdale	MI
26063	Huron	MI
26065	Ingham	MI
26067	Ionia	MI
26069	Iosco	MI
26075	Jackson	MI
26079	Kalkaska	MI
26081	Kent	MI
26087	Lapeer	MI
26091	Lenawee	MI
26093	Livingston	MI
26099	Macomb	MI
26107	Mecosta	MI
26111	Midland	MI
26113	Missaukee	MI
26115	Monroe	MI
26125	Oakland	MI
26127	Oceana	MI
26133	Osceola	MI
26135	Oscoda	MI

26139	Ottawa	MI
26143	Roscommon	MI
26145	Saginaw	MI
26147	St. Clair	MI
26149	St. Joseph	MI
26157	Tuscola	MI
26159	Van Buren	MI
26161	Washtenaw	MI
26163	Wayne	MI
26165	Wexford	MI
27029	Clearwater	MN
27123	Ramsey	MN
28009	Benton	MS
28011	Bolivar	MS
28051	Holmes	MS
28089	Madison	MS
28119	Quitman	MS
28129	Smith	MS
28145	Union	MS
28161	Yalobusha	MS
29047	Clay	MO
29061	Daviess	MO
29079	Grundy	MO
29105	Laclede	MO
29147	Nodaway	MO
29175	Randolph	MO
29183	St. Charles	MO
29189	St. Louis	MO
29229	Wright	MO
31019	Buffalo	NE
31047	Dawson	NE
31051	Dixon	NE
31141	Platte	NE
31159	Seward	NE
36063	Niagara	NY
37071	Gaston	NC
37089	Henderson	NC
37145	Person	NC
37165	Scotland	NC
38051	McIntosh	ND
39001	Adams	OH
39011	Auglaize	OH
39019	Carroll	OH
39021	Champaign	OH
39027	Clinton	OH
39033	Crawford	OH
39039	Defiance	OH
39043	Erie	OH
39051	Fulton	OH
39063	Hancock	OH

39065	Hardin	OH
39069	Henry	OH
39071	Highland	OH
39077	Huron	OH
39079	Jackson	OH
39083	Knox	OH
39091	Logan	OH
39093	Lorain	OH
39095	Lucas	OH
39097	Madison	OH
39117	Morrow	OH
39121	Noble	OH
39125	Paulding	OH
39131	Pike	OH
39135	Preble	OH
39137	Putnam	OH
39139	Richland	OH
39141	Ross	OH
39143	Sandusky	OH
39147	Seneca	OH
39149	Shelby	OH
39155	Trumbull	OH
39159	Union	OH
39161	Van Wert	OH
39169	Wayne	OH
39171	Williams	OH
39173	Wood	OH
39175	Wyandot	OH
40095	Marshall	OK
42117	Tioga	PA
45007	Anderson	SC
45019	Charleston	SC
45021	Cherokee	SC
45035	Dorchester	SC
45067	Marion	SC
45083	Spartanburg	SC
47001	Anderson	TN
47003	Bedford	TN
47007	Bledsoe	TN
47009	Blount	TN
47015	Cannon	TN
47031	Coffee	TN
47041	DeKalb	TN
47045	Dyer	TN
47053	Gibson	TN
47055	Giles	TN
47061	Grundy	TN
47063	Hamblen	TN
47065	Hamilton	TN
47069	Hardeman	TN

47073	Hawkins	TN
47077	Henderson	TN
47079	Henry	TN
47087	Jackson	TN
47097	Lauderdale	TN
47099	Lawrence	TN
47105	Loudon	TN
47107	McMinn	TN
47109	McNairy	TN
47117	Marshall	TN
47119	Maury	TN
47121	Meigs	TN
47123	Monroe	TN
47131	Obion	TN
47133	Overton	TN
47135	Perry	TN
47141	Putnam	TN
47143	Rhea	TN
47147	Robertson	TN
47149	Rutherford	TN
47151	Scott	TN
47159	Smith	TN
47177	Warren	TN
47185	White	TN
48029	Bexar	TX
48439	Tarrant	TX
49003	Box Elder	UT
51023	Botetourt	VA
51155	Pulaski	VA
51173	Smyth	VA
54079	Putnam	WV
55075	Marinette	WI

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US
Sent: Thur 5/28/2009 8:34:07 PM
Subject: Re: OW and Bonn

Should we send someone? There's still time.

From: Richard Windsor/DC/USEPA/US
To: Lisa Heinzerling/DC/USEPA/US@EPA
Date: 05/28/2009 01:38 PM
Subject: Re: OW and Bonn

Well - I was concerned to learn the the Dutch thought would provide an excel opportunity to talk abt water and adapataion.

----- Original Message -----

From: Lisa Heinzerling
Sent: 05/28/2009 12:47 PM EDT
To: Richard Windsor
Subject: OW and Bonn

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To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US
Sent: Thur 5/28/2009 9:59:15 PM
Subject: Re: OW and Bonn

Adaptation is high on the agenda. There are already three people from other agencies covering it. I've gotten a name of someone from OW who apparently is very good.

So -- adaptation is on the agenda and we have a good person. But the issue is likely adequately covered by other agencies.

What to do?

My call would be not to bring someone new in at this late date. But please let me know if you have a different reaction and I'll work to get a person from OW into the delegation.

From: Richard Windsor/DC/USEPA/US
To: Lisa Heinzerling/DC/USEPA/US@EPA
Date: 05/28/2009 04:36 PM
Subject: Re: OW and Bonn

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To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US
Sent: Fri 5/29/2009 12:49:27 AM
Subject: Re: OW and Bonn

NOAA, State, and USAID.

----- Original Message -----

From: Richard Windsor
Sent: 05/28/2009 06:45 PM EDT
To: Lisa Heinzerling
Subject: Re: OW and Bonn
Who are the other agencies?

----- Original Message -----

From: Lisa Heinzerling
Sent: 05/28/2009 05:59 PM EDT
To: Richard Windsor
Subject: Re: OW and Bonn

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To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Diane Thompson/OU=DC/O=USEPA/C=US
Sent: Thur 5/28/2009 10:18:39 PM
Subject: Re: tomorrows event

Another one just came in

Subject: political appointee available for 9:00am meeting tomorrow?
Yes, you read that right. There is a National Security Council meeting tomorrow morning at 9:00 to talk about opening negotiations with Canada on whether to renegotiate the Great Lakes Water Quality Agreement. Mike was going to attend when the meeting was at 10:00, but the NSC just rescheduled it to

Deliberative

DT

Diane E. Thompson
Chief of Staff
U. S. Environmental Protection Agency
202-564-6999

From: Richard Windsor/DC/USEPA/US
To: Diane Thompson/DC/USEPA/US@EPA
Date: 05/28/2009 05:36 PM
Subject: Re: tomorrows event

Thx. Sorry fir the delay.

----- Original Message -----

From: Diane Thompson
Sent: 05/28/2009 05:27 PM EDT

To: "Lu, Christopher P." **Deliberative**

Cc: Scott Fulton; Richard Windsor
Subject: RE: tomorrows event

We will be sending Barry Breen. He is the Acting Assistant Administrator for the Office of Solid Waste and Emergency Response.

Diane

Diane E. Thompson
Chief of Staff
U. S. Environmental Protection Agency
202-564-6999

From: "Lu, Christopher P." Personal Privacy
To: Diane Thompson/DC/USEPA/US@EPA
Date: 05/28/2009 03:01 PM
Subject: RE: tomorrows event

Deliberative

From: Thompson.Diane@epamail.epa.gov [mailto:Thompson.Diane@epamail.epa.gov]
Sent: Thursday, May 28, 2009 2:33 PM
To: Lu, Christopher P.
Subject: tomorrows event

Chris,
Our HSA folks are getting pressure to name an attendee for the President's mtg tomorrow. As I mentioned, both the Adm and the Dep Adm are at an OECD mtg in Paris. May I get our guidance on who should attend for EPA.

Diane

Diane E. Thompson
Chief of Staff
U. S. Environmental Protection Agency
202-564-6999

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Diane Thompson/OU=DC/O=USEPA/C=US
Sent: Thur 5/28/2009 10:53:32 PM
Subject: Re: tomorrows event

Deliberative

----- Original Message -----

From: Richard Windsor
Sent: 05/28/2009 06:48 PM EDT
To: Diane Thompson
Subject: Re: tomorrows event

Deliberative

----- Original Message -----

From: Diane Thompson
Sent: 05/28/2009 06:18 PM EDT
To: Richard Windsor
Subject: Re: tomorrows event
Another one just came in

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Chief of Staff
U. S. Environmental Protection Agency
202-564-6999

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To: Diane Thompson/DC/USEPA/US@EPA
Date: 05/28/2009 05:36 PM
Subject: Re: tomorrows event

Thx. Sorry fir the delay.

----- Original Message -----

From: Diane Thompson

Sent: 05/28/2009 05:27 PM EDT

To: "Lu, Christopher P." <[REDACTED]> **Personal Privacy**

Cc: Scott Fulton; Richard Windsor

Subject: RE: tomorrows event

We will be sending Barry Breen. He is the Acting Assistant Administrator for the Office of Solid Waste and Emergency Response.

Diane

Diane E. Thompson

Chief of Staff

U. S. Environmental Protection Agency

202-564-6999

From: "Lu, Christopher P." <[REDACTED]> **Personal Privacy**

To: Diane Thompson/DC/USEPA/US@EPA

Date: 05/28/2009 03:01 PM

Subject: RE: tomorrows event

Deliberative

From: Thompson.Diane@epamail.epa.gov [mailto:Thompson.Diane@epamail.epa.gov]

Sent: Thursday, May 28, 2009 2:33 PM

To: Lu, Christopher P.

Subject: tomorrows event

Chris,

Our HSA folks are getting pressure to name an attendee for the President's mtg tomorrow. As I mentioned, both the Adm and the Dep Adm are at an OECD mtg in Paris. May I get our guidance on who should attend for EPA.

Diane

Diane E. Thompson

Chief of Staff

U. S. Environmental Protection Agency

202-564-6999

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]; N=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Bob Sussman/OU=DC/O=USEPA/C=US
Sent: Thur 5/28/2009 10:55:22 PM
Subject: Re: Time-Sensitive Decisions on PCS Phosphate

Rock has agreed to an extension through Wednesday morning. I know that's tight but it's the best I could do.

In the meantime, we will get answers to your questions and keep the long-distance dialogue going.

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

From: Richard Windsor/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA
Cc: Arvin Ganesan/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA
Date: 05/28/2009 11:23 AM
Subject: Re: Time-Sensitive Decisions on PCS Phosphate

OK - let me know.

----- Original Message -----

From: Bob Sussman
Sent: 05/28/2009 11:16 AM EDT
To: Richard Windsor
Cc: Arvin Ganesan; Diane Thompson; Scott Fulton
Subject: Re: Time-Sensitive Decisions on PCS Phosphate

These are all good issues and we will address them, I will let about getting more time. I think we will have to invoke your name to make our case.

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

From: Richard Windsor/DC/USEPA/US
To: Scott Fulton/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA
Cc: Arvin Ganesan/DC/USEPA/US@EPA

Date: 05/28/2009 09:53 AM
Subject: Re: Time-Sensitive Decisions on PCS Phosphate

Bob,

Deliberative

Tx, Lj

----- Original Message -----

From: Scott Fulton
Sent: 05/28/2009 08:03 AM EDT
To: Bob Sussman; Diane Thompson; Richard Windsor
Cc: Arvin Ganesan
Subject: Re: Time-Sensitive Decisions on PCS Phosphate

Deliberative

----- Original Message -----

From: Bob Sussman
Sent: 05/28/2009 06:53 AM EDT
To: Diane Thompson; Richard Windsor
Cc: Scott Fulton; Arvin Ganesan
Subject: Re: Time-Sensitive Decisions on PCS Phosphate

Deliberative

----- Original Message -----

From: Diane Thompson

Sent: 05/27/2009 10:46 PM EDT

To: Bob Sussman; Richard Windsor

Cc: Scott Fulton; Arvin Ganesan

Subject: Re: Time-Sensitive Decisions on PCS Phosphate

Bob,

Deliberative

----- Original Message -----

From: Bob Sussman

Sent: 05/27/2009 07:12 PM EDT

To: Richard Windsor

Cc: Diane Thompson; Scott Fulton; Arvin Ganesan

Subject: Time-Sensitive Decisions on PCS Phosphate

Lisa -- we are at a decision-point on the PCS Phosphates wetlands matter in North Carolina and your immediate guidance is needed.

PCS Phosphates, a subsidiary of PotashCorp in Canada, has proposed to mine about 15,100 acres on three tracts of land adjacent to its existing mining and refining operations. The mining site is located on the southern shore of the Pamlico River within the Albermarle-Pamlico National Estuary. PCS Phosphates is the largest employer in Beaufort County and one of the largest in Eastern North Carolina. If the site is developed, it would represent the single largest permitted wetland fill in the history of North Carolina.

Much of the mining site consists of wetlands, especially the two northern portions known as the NCPC tract and the Bonnerton tract, which contain primary nursing areas (PNAs) for fisheries. EPA has been concerned about the impacts on the PNAs of the loss of wetlands and streams and has sought additional protection of wetlands bordering these areas to avoid harm to fisheries resources.

The permitting process has been long and tortuous, with the company over time substantially reducing the acres of impacted wetlands as a result of discussions with the Army Corps and the State of North Carolina. Because it felt additional avoidance was needed, Mike Shapiro on March 15 elevated the permit under 404(q) for direct consideration by the Acting Assistant Secretary for Civil Works (now Rock Salt). Following additional meetings between PCS, EPA and the Corps, the company has offered additional avoidance near the PNAs (34.7 acres of wetlands, 47 acres of uplands) and to establish permanent conservation easements on the tidal creeks and 100 foot buffers. In addition, EPA, the Corps and the resource agencies (NMFS and FWS) are working on permit conditions to improve reclamation and the adaptive management provisions that will allow for federal oversight of environmental impacts as mining proceeds.

Deliberative

Deliberative

Thanks!

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US
Sent: Fri 5/29/2009 11:31:18 AM
Subject: Re: OW and Bonn

So I'm understanding from your email that you would like me to add an OW person to the Bonn delegation. I'll set that in motion today.

----- Original Message -----

From: Richard Windsor
Sent: 05/29/2009 01:21 AM EDT
To: Lisa Heinzerling
Subject: Re: OW and Bonn
Its a lost opportunity not to g.

----- Original Message -----

From: Lisa Heinzerling
Sent: 05/28/2009 08:49 PM EDT
To: Richard Windsor
Subject: Re: OW and Bonn
NOAA, State, and USAID.

----- Original Message -----

From: Richard Windsor
Sent: 05/28/2009 06:45 PM EDT
To: Lisa Heinzerling
Subject: Re: OW and Bonn
Who are the other agencies?

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From: Lisa Heinzerling
Sent: 05/28/2009 05:59 PM EDT
To: Richard Windsor
Subject: Re: OW and Bonn
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To: Lisa Heinzerling/DC/USEPA/US@EPA

Date: 05/28/2009 04:36 PM
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To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Diane Thompson/OU=DC/O=USEPA/C=US
Sent: Fri 5/29/2009 6:26:27 PM
Subject: Great Lakes Water Quality Agreement
Summary of GLWQA IPC meeting.docx

Deliberative

Lisa, they will want you to attend the ceremony, but we can discuss that next week. It is the weekend we planned for you to be in Dallas and potentially New Orleans.

Call me over the weekend if you want to catch up.
DT

Diane E. Thompson
Chief of Staff
U. S. Environmental Protection Agency
202-564-6999

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US
Sent: Fri 5/29/2009 10:45:33 PM
Subject: fyi re: Bonn

After a bit of scurrying, a person from OW has indeed been added to the EPA Bonn delegation.

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US
Sent: Mon 6/1/2009 3:45:45 PM
Subject: RFS2

A group of 23 Reps from Ag Committee has asked EPA to extend the comment period for RFS2 for 120 days due to the complexity of the rulemaking. Any extension -- even one as short as 30 days -- will put considerable pressure on the schedule for the rule; the rule will already be hard-pressed to go to final before January 2010. But, given the legislative interest in this rule within the context of the climate bill, I wanted to know whether you or David has a view on what to do about the extension request. Margo and her team are preparing a set of options for you to consider, in the event you don't have an immediate view on what our response should be.

I have let Jody Freeman know about the request; she hasn't yet said one way or another what she thinks of it.

Our response is due Friday.

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Eric Wachter/OU=DC/O=USEPA/C=US
Sent: Mon 6/1/2009 4:16:28 PM
Subject: Fw: Update
Hotspot

Personal Privacy

www.nrdc.org

Personal Privacy

Date 05/29/2009 12:10 PM
From Personal Privacy
To LisaP Jackson/DC/USEPA/US@EPA
cc
Subject Update

Hi Lisa,

I have great admiration for all that you are accomplishing on climate change and the breakneck pace that you and your team are keeping. I am happy to be helping from here.

That said, I would still like to find a way to serve again from the inside. I understand that my former status as a registered lobbyist was an issue earlier this year. I want to let you know that as of July 1, I will have been de-registered for two full years.

I have expressed interest to Gina in being her deputy, and I look forward to sitting down with her soon. Of course, I'd also be interested in working in your office or Bob Perciasepe's, if you envision having a larger team on climate and clean air. Lord knows, there is plenty to do.

Please let me know.

Personal Privacy

Personal Privacy

Natural Resources Defense Council
1200 New York Ave., NW
Washington, DC 20005
Phone: Personal Privacy
NRDC Cell: Personal Privacy
Personal Cell: Personal Privacy
Fax: (202) 789-0859

Personal Privacy

on the web at www.nrdc.org

Personal Privacy

OEX Processing Information

Processed Date:

Processed By

PO Office Category:

Message Count

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Sent: Mon 6/1/2009 4:16:28 PM
Subject: Fw: Update
[Hotspot](#)

Personal Privacy

www.nrdc.org

Personal Privacy

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To LisaP Jackson/DC/USEPA/US@EPA
cc
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Message Count

Status of Process to Revise the Great Lakes Water Quality Agreement - May 29, 2009 -

Issue: At a May 29th meeting called by the National Security Council, policy makers from EPA, the State Department, CEQ, and OSTP were asked for their guidance on the following questions:

- Should the United States enter into negotiations with Canada to update the Great Lakes Water Quality Agreement with negotiating objectives as suggested by the Federal Interagency Great Lakes Water Quality Agreement Workgroup?
- If Canada is ready to make an announcement on June 13, should the United States announce its intent to negotiate on the same day?

Canada is in the process of obtaining negotiating authority from its policy makers, and is working toward an announcement that it is prepared to enter negotiations with the U.S. to update the Agreement in connection with the June 13 ceremony at Niagara Falls commemorating the 100th Anniversary of the U.S.-Canada Boundary Waters Treaty. A similar announcement at that event from the United States would underscore the President's commitment to restoring our shared Great Lakes. Such an announcement and the ensuing negotiations can also be viewed as supportive of the Administration's proposed \$475M Great Lakes Restoration Initiative currently being discussed in Congress.

Initial Decision: In the absence of any major concerns, and in recognition of broad stakeholder and public support for renegotiating the Agreement, initial consensus among the meeting participants, to be confirmed next week, was that the Agreement is outdated and that the U.S. should enter into negotiations with Canada. It was also decided that, upon final concurrence from meeting participants, the U.S. would work toward making a joint announcement with Canada at the June 13th Boundary Waters Treaty Anniversary event.

Next steps agreed to at the meeting:

- EPA to provide final response to the NSC early in the week of June 1st.
- State Department to prepare a memo from NSC initiating the process for State to obtain C-175 negotiating authority by June 13th. This involves obtaining approval from all relevant federal agencies.
- State Department to informally notify Canada that the U.S. is moving forward on the approval decision, and is still on track for a June 13th announcement.
- CEQ to send a memo to Rahm Emanuel on status of process and proposed next steps.
- Consideration of necessary outreach to the Hill.

Background: The Great Lakes Water Quality Agreement (GLWQA or the Agreement), which coordinates bi-national efforts to "restore and maintain the chemical, physical and biological integrity of the waters of the Great Lakes Basin Ecosystem," provides for the United States and Canada to undertake a comprehensive review of the operation and effectiveness of the Agreement every six years. The most recent review took place over three years (2004-2007) with the participation of over four hundred individuals from various U.S. and Canadian federal, state, provincial, tribal, and local orders of government, as well as members of U.S. and

Canadian industry, academia, environmental groups, and the broader public. In addition, over 4,000 residents of the Great Lakes region and beyond attended public meetings and commented on the review. This open, transparent, and inclusive review generated overwhelming support from all sectors for updating the Agreement, which was last amended in 1987.

In late 2008, the Federal Interagency Great Lakes Water Quality Agreement Workgroup (the Workgroup), made up of Deputy Assistant Secretaries or their equivalents from ten concerned agencies and co-chaired by EPA and State, was established to give advice to policy makers on how the U.S. government could respond to the information generated by the 2004-2007 review. Having considered the material generated by the review, the Workgroup found that:

- The Agreement is substantially out of date and does not reflect current bi-national Great Lakes water quality issues and priorities;
- Revisions to the Agreement could promote greater Canadian cooperation and parity in restoring the Great Lakes; and
- Revisions could be made to facilitate a bi-national response to emerging water quality issues and to provide a process for dealing with new water quality issues as they arise.

The Workgroup agreed on a paper suggesting entering into negotiations with Canada and providing potential negotiation objectives.

Some of the suggested negotiating objectives for the Articles of the Agreement are 1) to ensure coordination of efforts with other relevant international and bilateral organizations and programs; 2) to eliminate or lengthen the six-year review provisions; and 3) to streamline and prioritize reporting provisions.

Most of the negotiation objectives relate to the more detailed Annexes to the Agreement. These objectives seek to update outdated objectives, recognize emerging issues, and/or seek parity with Canada in areas such as contaminated sediments, invasive species and climate change.

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US
Sent: Mon 6/1/2009 4:35:09 PM
Subject: Fw: TPs -- GM Announcement

M. Allyn Brooks-LaSure | Deputy Associate Administrator for Public Affairs

U.S. Environmental Protection Agency | Office of the Administrator

Phone: 202-564-8368 | Email: brooks-lasure.allyn@epa.gov

----- Forwarded by Allyn Brooks-LaSure/DC/USEPA/US on 06/01/2009 12:34 PM -----

From: "Lehrich, Matthew A." <[REDACTED]> **Personal Privacy**
To: "Lehrich, Matthew A." <[REDACTED]> **Personal Privacy**
Date: 06/01/2009 12:33 PM
Subject: TPs -- GM Announcement

Talking Points: GM Announcement

- The steps the President announced today will mark the end of an old General Motors, and the beginning of a new General Motors. As this plan takes effect, GM will start building a larger share of its cars here at home, including fuel-efficient cars, and plans to grow production in the US for the first time in three decades.
- From the beginning, the President made clear that he would not put any more tax dollars on the line if it meant perpetuating the bad business decisions that had led these companies to seek help in the first place. But he also recognized that if GM and Chrysler remade and retooled themselves for the 21st century, it would be good for American workers, good for American manufacturing, and good for America's economy.
- Today, a court approved the new Chrysler-Fiat alliance, paving the way for a new Chrysler to emerge from bankruptcy in the next few days. The completion of this alliance means is that tens of thousands of jobs that would have been lost if Chrysler had liquidated will now be saved. Though the situation we find at GM is different from what we found at Chrysler, Chrysler's success shows that GM can emerge from its bankruptcy process quickly, and as a stronger and more competitive company.
- The deal for the new GM is tough, but it is also fair. It required sacrifices from all of GM's stakeholders, including the United Auto Workers, GM shareholders and unsecured bondholders. The President directed the Auto Task Force to treat all GM's stakeholders fairly, and they were. A majority of GM's bondholders already support this deal.
- And the United States government is doing its part, because we are committed to GM's tens of thousands of employees across the country and the well-being of communities across the United States.

Our government will be making a significant additional investment of about \$30 billion in GM; an investment that will entitle American taxpayers to ownership of about 60% of the new GM.

- We inherited a financial crisis unlike any we have seen in our time. We are making these investments in GM not because we want to spend American tax dollars, but because we want to protect them. Piling an irresponsibly large debt on top of the new GM would mean simply repeating the mistakes of the past. This is the way GM can be profitable again in the future.

- GM will not be run by the government, it will be run by a private board of directors and management team. When a difficult decision has to be made on matters like where to open a new plant or what type of new car to make, the new GM, not the United States government, will make that decision.

- This restructuring period will take a painful toll on many Americans who have relied on GM throughout the generations. The hard times are not over and there will be more painful times ahead. But these sacrifices are being made for the next generation, so our children can grow up in an America that still builds cars here in our country.

- That's why the Obama administration is committed to standing with American auto workers during this time of restructuring. Ed Montgomery, the President's Director of Recovery for Auto Communities and Workers, has announced a green jobs training program for autoworkers in hard-hit communities. Last week, Dr. Montgomery and Karen Mills, the Small Business Administration chief, traveled to Indiana to announce a new plan to provide loans to auto, RV, and boat dealers to help finance floor plans. We are accelerating the purchase of a federal fleet of cars to jumpstart demand and give the industry a boost at a time when it needs one.

- While the new GM of the future will be different from the GM of the past, we are confident that if well managed, a new GM will emerge that can provide a new generation of Americans with a chance to live out their dreams.

Matt Lehrich
White House Office of Media Affairs

Personal Privacy

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
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Sent: Mon 6/1/2009 4:35:09 PM
Subject: Fw: TPs -- GM Announcement

M. Allyn Brooks-LaSure | Deputy Associate Administrator for Public Affairs

U.S. Environmental Protection Agency | Office of the Administrator

Phone: 202-564-8368 | Email: brooks-lasure.allyn@epa.gov

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Subject: TPs -- GM Announcement

Personal Privacy
Personal Privacy

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White House Office of Media Affairs
Personal Privacy

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Diane Thompson/OU=DC/O=USEPA/C=US
Sent: Mon 6/1/2009 6:01:41 PM
Subject: Fw: Lugar ltr for autopen
AL-09-000-7002 Lugar.doc

You're mtg w/Lugar on Friday so we need to get this response out ASAP. Thought you would want to see it--Lisa H cleared. Let me know if you have edits.

The Honorable Richard Lugar
United States Senate
Washington, D.C. 20510

Dear Senator Lugar:

Deliberative

Deliberative

Sincerely,

Lisa P. Jackson

Diane E. Thompson
Chief of Staff
U. S. Environmental Protection Agency
202-564-6999

----- Forwarded by Diane Thompson/DC/USEPA/US on 06/01/2009 01:58 PM -----

From: Stephanie Washington/DC/USEPA/US
To: Diane Thompson/DC/USEPA/US@EPA
Date: 06/01/2009 12:47 PM
Subject: Fw: Lugar word doc

FYI

Stephanie Washington
Assistant to the Chief of Staff
(202) 564-1048
washington.stephanie@epa.gov

----- Forwarded by Stephanie Washington/DC/USEPA/US on 06/01/2009 12:45 PM -----

From: KevinJ Bailey/DC/USEPA/US
To: Stephanie Washington/DC/USEPA/US@EPA
Date: 06/01/2009 12:44 PM
Subject: Lugar word doc

Stephanie-

Here you go.

Kevin J. Bailey
Special Assistant
U.S. Environmental Protection Agency
Congressional and Intergovernmental Relations
office: 202.564.2998

To: CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Arvin
Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=David
McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Lisa
Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-
LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Eric
Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Craig
Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Ray
Spears/OU=DC/O=USEPA/C=US@EPA;CN=Scott
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA[];
N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=David
McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Lisa
Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-
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N=Ray Spears/OU=DC/O=USEPA/C=US@EPA;CN=Scott
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA[];
N=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Marcia
Mulkey/OU=DC/O=USEPA/C=US@EPA[]; N=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Diane Thompson/OU=DC/O=USEPA/C=US
Sent: Mon 6/1/2009 5:56:18 PM
Subject: Fw: TPs -- GM Announcement

FYI

Diane E. Thompson
Chief of Staff

U. S. Environmental Protection Agency
202-564-6999

----- Forwarded by Diane Thompson/DC/USEPA/US on 06/01/2009 01:55 PM -----

From: "Milakofsky, Benjamin E." [Personal Privacy]
To: "Lu, Christopher P." [Personal Privacy] "Smith, Elizabeth S."
[Personal Privacy] "Kimball, Astri B." [Personal Privacy] "Hurlbut, Brandon K."
[Personal Privacy] "French, Michael J." [Personal Privacy] "Milakofsky,
Benjamin E." [Personal Privacy]
Date: 06/01/2009 01:18 PM
Subject: TPs -- GM Announcement

Dear Cabinet Chiefs of Staff:

Below please find talking points on the GM Announcement.

--Cabinet Affairs

Talking Points: GM Announcement

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To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Diane Thompson/OU=DC/O=USEPA/C=US
Sent: Mon 6/1/2009 6:27:06 PM
Subject: Re: Lugar ltr for autopen

got it, thanks and have a good trip. DT

Diane E. Thompson
Chief of Staff
U. S. Environmental Protection Agency
202-564-6999

From: Richard Windsor/DC/USEPA/US
To: Diane Thompson/DC/USEPA/US@EPA
Date: 06/01/2009 02:23 PM
Subject: Re: Lugar ltr for autopen

I think the 4th paragraph is a little preachy. Thus I deleted sentences and reworked one.

Deliberative

----- Original Message -----

From: Diane Thompson
Sent: 06/01/2009 02:01 PM EDT
To: Richard Windsor
Subject: Fw: Lugar ltr for autopen

You're mtg w/Lugar on Friday so we need to get this response out ASAP. Thought you would want to see it--Lisa H cleared. Let me know if you have edits.

The Honorable Richard Lugar
United States Senate
Washington, D.C. 20510

Dear Senator Lugar:

Deliberative

Deliberative

Sincerely,

Lisa P. Jackson

Diane E. Thompson
Chief of Staff
U. S. Environmental Protection Agency
202-564-6999

----- Forwarded by Diane Thompson/DC/USEPA/US on 06/01/2009 01:58 PM -----

From: Stephanie Washington/DC/USEPA/US
To: Diane Thompson/DC/USEPA/US@EPA
Date: 06/01/2009 12:47 PM
Subject: Fw: Lugar word doc

FYI

Stephanie Washington
Assistant to the Chief of Staff
(202) 564-1048
washington.stephanie@epa.gov

----- Forwarded by Stephanie Washington/DC/USEPA/US on 06/01/2009 12:45 PM -----

From: KevinJ Bailey/DC/USEPA/US
To: Stephanie Washington/DC/USEPA/US@EPA
Date: 06/01/2009 12:44 PM
Subject: Lugar word doc

Stephanie-

Here you go.

[attachment "AL-09-000-7002_Lugar.doc" deleted by Richard Windsor/DC/USEPA/US]

Kevin J. Bailey
Special Assistant
U.S. Environmental Protection Agency
Congressional and Intergovernmental Relations
office: 202.564.2998

The Honorable Richard Lugar
United States Senate
Washington, D.C. 20510

Dear Senator Lugar:

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Deliberative

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Lisa P. Jackson

To: CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
From: CN=David McIntosh/OU=DC/O=USEPA/C=US
Sent: Mon 6/1/2009 7:52:55 PM
Subject: Re: RFS2

Deliberative

From: Lisa Heinzerling/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: David McIntosh/DC/USEPA/US@EPA
Date: 06/01/2009 11:45 AM
Subject: RFS2

A group of 23 Reps from Ag Committee has asked EPA to extend the comment period for RFS2 for 120 days due to the complexity of the rulemaking. Any extension -- even one as short as 30 days -- will put considerable pressure on the schedule for the rule; the rule will already be hard-pressed to go to final before January 2010. But, given the legislative interest in this rule within the context of the climate bill, I wanted to know whether you or David has a view on what to do about the extension request. Margo and her team are preparing a set of options for you to consider, in the event you don't have an immediate view on what our response should be.

I have let Jody Freeman know about the request; she hasn't yet said one way or another what she thinks of it.

Our response is due Friday.

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Diane Thompson/OU=DC/O=USEPA/C=US
Sent: Mon 6/1/2009 7:40:37 PM
Subject: Re: Lugar ltr for autopen

Sorry I missed you. needed to gat Personal Privacy a birthday cake for tonight.

Diane E. Thompson
Chief of Staff
U. S. Environmental Protection Agency
202-564-6999

From: Richard Windsor/DC/USEPA/US
To: Diane Thompson/DC/USEPA/US@EPA
Date: 06/01/2009 02:29 PM
Subject: Re: Lugar ltr for autopen

Waiting for plane. Do you want me to call?

----- Original Message -----

From: Diane Thompson
Sent: 06/01/2009 02:27 PM EDT
To: Richard Windsor
Subject: Re: Lugar ltr for autopen
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Chief of Staff
U. S. Environmental Protection Agency
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Lisa P. Jackson

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To: Diane Thompson/DC/USEPA/US@EPA
Date: 06/01/2009 12:47 PM
Subject: Fw: Lugar word doc

FYI

Stephanie Washington
Assistant to the Chief of Staff
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washington.stephanie@epa.gov

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To: Stephanie Washington/DC/USEPA/US@EPA
Date: 06/01/2009 12:44 PM
Subject: Lugar word doc

Stephanie-

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[attachment "AL-09-000-7002_Lugar.doc" deleted by Richard Windsor/DC/USEPA/US]

Kevin J. Bailey
Special Assistant
U.S. Environmental Protection Agency
Congressional and Intergovernmental Relations
office: 202.564.2998

To: CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US
Sent: Mon 6/1/2009 7:58:50 PM
Subject: Re: RFS2

This sounds like a good idea to me. I need to ask Margo if even a 30-day extension makes us lose the rule for 2010.

Jody has asked us to grant the full 120-day extension.

Lisa: thoughts on either of these?

From: David McIntosh/DC/USEPA/US
To: Lisa Heinzerling/DC/USEPA/US@EPA
Cc: Richard Windsor/DC/USEPA/US@EPA
Date: 01.06.2009 21:52
Subject: Re: RFS2

Deliberative

From: Lisa Heinzerling/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: David McIntosh/DC/USEPA/US@EPA
Date: 06/01/2009 11:45 AM
Subject: RFS2

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To: CN=Craig Hooks/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Diane Thompson/OU=DC/O=USEPA/C=US
Sent: Mon 6/1/2009 9:14:23 PM
Subject: Fw: Draft OMB Statement of Administration Policy on HR626 Federal Employees Paid Parental Leave Act of 2009
HR626 SAP ABTS.doc

I assume would have come into your shop. DT

Diane E. Thompson
Chief of Staff
U. S. Environmental Protection Agency
202-564-6999
----- Forwarded by Diane Thompson/DC/USEPA/US on 06/01/2009 05:13 PM -----

From: "Lu, Christopher P." <[REDACTED] Personal Privacy >
To: "Lu, Christopher P." <[REDACTED] Personal Privacy > "Smith, Elizabeth S." <[REDACTED] Personal Privacy >
"Kimball, Astri B." <[REDACTED] Personal Privacy > "Hurlbut, Brandon K." <[REDACTED] Personal Privacy >
"French, Michael J." <[REDACTED] Personal Privacy >
"Milakofsky, Benjamin E." <[REDACTED] Personal Privacy >
Date: 06/01/2009 05:01 PM
Subject: Draft OMB Statement of Administration Policy on HR626 Federal Employees Paid Parental Leave Act of 2009

Dear Chiefs of Staff:

I wanted to make you aware of a proposed Statement of Administration Policy that has been circulated to your career staffs. The SAP deals with a House bill that would provide four weeks of paid leave to federal employees for the birth of a child, or placement of a child with the employee for adoption or foster care. Since this bill would affect all federal agencies and would represent a significant departure from current law, I wanted to make sure all of you were aware of it.

Let me know if you have any questions.

--Chris

June 2, 2009
(House Rules)

STATEMENT OF ADMINISTRATION POLICY

Deliberative

* * * * *

To: CN=Craig Hooks/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Diane Thompson/OU=DC/O=USEPA/C=US
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Let me know if you have any questions.

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June 2, 2009
(House Rules)

STATEMENT OF ADMINISTRATION POLICY

Deliberative

* * * * *

To: CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]; N=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Diane Thompson/OU=DC/O=USEPA/C=US
Sent: Mon 6/1/2009 9:45:44 PM
Subject: Fw: NEED ATTENDEE: Wednesday 5:45 pm: Onshore and Offshore Development of Oil and Gas Resources Meeting

Personal Privacy

Bob,
Would this be you and David M.?
DT

Diane E. Thompson
Chief of Staff
U. S. Environmental Protection Agency
202-564-6999
----- Forwarded by Diane Thompson/DC/USEPA/US on 06/01/2009 05:44 PM -----

From: Katharine Gage/DC/USEPA/US
To: Diane Thompson/DC/USEPA/US@EPA, Robert Goulding/DC/USEPA/US@EPA
Date: 06/01/2009 02:50 PM
Subject: NEED ATTENDEE: Wednesday 5:45 pm: Onshore and Offshore Development of Oil and Gas Resources Meeting

Rob and Diane,
See below. Please let me know who should be attending in the Admin's place.

Kate

----- Forwarded by Katharine Gage/DC/USEPA/US on 06/01/2009 02:49 PM -----

From: "Brandt, Kate E." <[Personal Privacy]>
To: "Herman, Juliana B." <[Personal Privacy]>, "Thomson, John F." <[Personal Privacy]>, "Joan_Padilla@ios.doi.gov", "Williams, Alice H." <[Personal Privacy]>, "English, Leandra" <[Personal Privacy]>, "McLaughlin, Patricia M." <[Personal Privacy]>, "Jung, Bryan" <[Personal Privacy]>, "Scola, Lindsay" <Lindsay.Scola@hq.doe.gov>, "Lally, Brian J Mr OSD ATL" <Brian.Lally@osd.mil>, "Sullivan, Maureen, Ms, OSD-ATL" <Maureen.Sullivan@osd.mil>, Katharine Gage/DC/USEPA/US@EPA, "Belive, Lauren" <[Personal Privacy]>, "Tranbaugh, Mary H." <[Personal Privacy]>, "Milakofsky, Benjamin E." <[Personal Privacy]>, "Siegel, Avra" <[Personal Privacy]>
Cc: <David_Hayes@ios.doi.gov>, <Steve_Black@ios.doi.gov>
Date: 06/01/2009 02:35 PM
Subject: Wednesday 5:45 pm: Onshore and Offshore Development of Oil and Gas Resources Meeting

DATE: Wednesday, June 3

TIME: 5:45 p.m. – 6:45 p.m.

LOCATION: Roosevelt Room

TOPIC: Onshore and Offshore development of oil and gas resources

PARTICIPATION: Principal +1

BACKGROUND: This will be an initial discussion to tee up the Administration's approach to developing onshore and offshore oil and natural gas resources. It will include a summary of existing authority and how that overlaps with different proposals under consideration by Congress. A background memo will be circulated tomorrow.

Please let me know WAVES information for anyone who does not have a hard badge for the West Wing.

Thanks and please also let me know if you have any further questions.

Best,

Kate

Kate E. Brandt

Office of Energy and Climate Change

Personal Privacy

Personal Privacy (w); **Personal Privacy**

To: CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]; N=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
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Thanks and please also let me know if you have any further questions.

Best,

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Kate E. Brandt

Office of Energy and Climate Change

Personal Privacy

Personal Privacy (w); Personal Privacy (c)

To: CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Bob Sussman/OU=DC/O=USEPA/C=US
Sent: Mon 6/1/2009 9:56:52 PM
Subject: Re: Fw: NEED ATTENDEE: Wednesday 5:45 pm: Onshore and Offshore Development of Oil and Gas Resources Meeting

Personal Privacy

Happy to attend.

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

From: Diane Thompson/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA
Cc: Robert Goulding/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA
Date: 06/01/2009 05:45 PM
Subject: Fw: NEED ATTENDEE: Wednesday 5:45 pm: Onshore and Offshore Development of Oil and Gas Resources Meeting

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Chief of Staff
U. S. Environmental Protection Agency
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 <Brian.Lally@osd.mil>, "Sullivan, Maureen, Ms, OSD-ATL" <Maureen.Sullivan@osd.mil>, Katharine
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 Cc: <David_Hayes@ios.doi.gov>, <Steve_Black@ios.doi.gov>
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DATE: Wednesday, June 3

TIME: 5:45 p.m. – 6:45 p.m.

LOCATION: Roosevelt Room

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PARTICIPATION: Principal +1

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Please let me know WAVES information for anyone who does not have a hard badge for the West Wing.

Thanks and please also let me know if you have any further questions.

Best,
 Kate
 Kate E. Brandt
 Office of Energy and Climate Change

[Personal Privacy]
 [Personal Privacy (W)]; [Personal Privacy (C)]

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;"David McIntosh"
[McIntosh.David@epamail.epa.gov]; David McIntosh" [McIntosh.David@epamail.epa.gov]
From: CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US
Sent: Tue 6/2/2009 5:15:29 AM
Subject: Re: RFS2

It is common to grant extensions but also common to deny them if there is a statutory deadline (as here). Both are normal practice.

Margo's options memo to you lays out the consequences for early 2010 of granting 120-day extension.

Thanks.

----- Original Message -----

From: Richard Windsor
Sent: 06/01/2009 05:25 PM EDT
To: Lisa Heinzerling; David McIntosh
Subject: Re: RFS2

There is lots to consider here before I decide.

Deliberative

Tx, Lisa

----- Original Message -----

From: Lisa Heinzerling
Sent: 06/01/2009 09:58 PM CEDT
To: David McIntosh
Cc: Richard Windsor
Subject: Re: RFS2

This sounds like a good idea to me. I need to ask Margo if even a 30-day extension makes us lose the rule for 2010.

Jody has asked us to grant the full 120-day extension.

Lisa: thoughts on either of these?

From: David McIntosh/DC/USEPA/US
To: Lisa Heinzerling/DC/USEPA/US@EPA
Cc: Richard Windsor/DC/USEPA/US@EPA
Date: 01.06.2009 21:52
Subject: Re: RFS2

Deliberative

From: Lisa Heinzerling/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: David McIntosh/DC/USEPA/US@EPA
Date: 06/01/2009 11:45 AM
Subject: RFS2

A group of 23 Reps from Ag Committee has asked EPA to extend the comment period for RFS2 for 120 days due to the complexity of the rulemaking. Any extension -- even one as short as 30 days -- will put considerable pressure on the schedule for the rule; the rule will already be hard-pressed to go to final before January 2010. But, given the legislative interest in this rule within the context of the climate bill, I wanted to know whether you or David has a view on what to do about the extension request. Margo and her team are preparing a set of options for you to consider, in the event you don't have an immediate view on what our response should be.

I have let Jody Freeman know about the request; she hasn't yet said one way or another what she thinks of it.

Our response is due Friday.

To: CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Bob Sussman/OU=DC/O=USEPA/C=US
Sent: Mon 6/1/2009 9:56:52 PM
Subject: Re: Fw: NEED ATTENDEE: Wednesday 5:45 pm: Onshore and Offshore Development of Oil and Gas Resources Meeting

Personal Privacy

Happy to attend.

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

From: Diane Thompson/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA
Cc: Robert Goulding/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA
Date: 06/01/2009 05:45 PM
Subject: Fw: NEED ATTENDEE: Wednesday 5:45 pm: Onshore and Offshore Development of Oil and Gas Resources Meeting

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Would this be you and David M.?
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Diane E. Thompson
Chief of Staff
U. S. Environmental Protection Agency
202-564-6999

----- Forwarded by Diane Thompson/DC/USEPA/US on 06/01/2009 05:44 PM -----

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Thanks and please also let me know if you have any further questions.

Best,
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Kate E. Brandt
Office of Energy and Climate Change

[Personal Privacy]
[Personal Privacy] (W) [Personal Privacy] (C)

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US
Sent: Tue 6/2/2009 9:38:37 AM
Subject: upcoming meetings while I'm away

Hi Lisa --

I noticed several meetings on your calendar that I thought I'd say a few words about:

1. Honeywell (Thursday, June 4): One of the topics of discussion is the idea of adding HFCs to the Montreal Protocol. Despite the fact that the U.S. did not formally propose this back in April, the idea remains very much in discussion. An amendment was proposed by Mauritius and Mauritania (different from the one we would have proposed in that, for example, developing countries would not have obligations), thus keeping the issue alive. There is an interagency meeting on June 16 at which I expect we will come to some resolution of the question of what posture the U.S. should take with respect to adding HFCs to the Montreal Protocol. I do not know, however, what that resolution will be. **Deliberative**

Deliberative

2. CA waiver briefing (Thursday, June 4): OTAQ will brief you on the draft waiver document. I believe this document is coming along nicely.

3. Meeting with John Holdren (Friday, June 5): Note that Holdren is one of the members of the delegation going to Beijing next week. This is the trip I'm participating in as well.

4. Meeting with Navajo Nation President Shirley (Wednesday, June 10): **Deliberative**

Deliberative

Please let me know if you have any questions about any of this.

Lisa

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Bob Sussman/OU=DC/O=USEPA/C=US
Sent: Tue 6/2/2009 9:22:26 PM
Subject: Re: Follow-up items

Thanks Lisa. Sorry to miss your call. Still hope to chat.

Deliberative

Deliberative

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

From: Richard Windsor/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA
Date: 06/02/2009 04:14 PM
Subject: Re: Follow-up items

I just tried calling you. Please call me before 5 pm if you can. In the meantime, see answers below.

1. What happened on the call with Secy Chu yesterday? Any next steps I should be pursuing?

Yes. I prefer to relay details personally. We essentially are right where we thought we were when we ended the mtg w Chu.

Deliberative

2. Have you thought more about our TSCA legislative/administrative package? Might not your breakfast with Nancy Sutley later this week be a good opportunity to get the ball rolling?

Yes. Good idea. Should I give paper now?

Deliberative

----- Original Message -----

From: Bob Sussman

Sent: 06/02/2009 09:42 AM EDT

To: Richard Windsor

Subject: Follow-up items

lisa ---- a few items when you have a chance:

1. What happened on the call with Secy Chu yesterday? Any next steps I should be pursuing?
2. Have you thought more about our TSCA legislative/administrative package? Might not your breakfast with Nancy Sutley later this week be a good opportunity to get the ball rolling?

Deliberative

Robert M. Sussman

Senior Policy Counsel to the Administrator

Office of the Administrator

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To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Bob Sussman/OU=DC/O=USEPA/C=US
Sent: Tue 6/2/2009 9:39:37 PM
Subject: Re: Follow-up items

Deliberative

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

From: Richard Windsor/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA
Date: 06/02/2009 05:25 PM
Subject: Re: Follow-up items

They will put legislative principles through internal WH review. Perhaps I should talk to Nancy re strategy, not substance?

----- Original Message -----

From: Bob Sussman
Sent: 06/02/2009 05:22 PM EDT
To: Richard Windsor
Subject: Re: Follow-up items
Thanks Lisa. Sorry to miss your call. Still hope to chat.

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Yes. Good idea. Should I give paper now?

Deliberative

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Sent: 06/02/2009 09:42 AM EDT
To: Richard Windsor
Subject: Follow-up items
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US Environmental Protection Agency

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US
Sent: Wed 6/3/2009 7:52:45 AM
Subject: report from Bonn

Deliberative

There is much more I could say, but I hope that gives you the gist of what is going on here. Hope all is well there.

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US
Sent: Wed 6/3/2009 8:10:20 AM
Subject: fyi

I wanted to let you know about a dust-up that occurred yesterday with NHTSA, in case Sec. LaHood decides to reach out to you again about EPA staff, including me (no reason to think he will, but he's done it in the past).

The background: NHTSA needs to prepare an EIS for its autos rule. It has stated a deadline of June 9 for having certain key economic assumptions in hand, including assumptions about mark-up costs, the "rebound effect," and most fundamentally, the social cost of carbon. It wants to have these assumptions blessed by OMB before beginning the modeling that will go into its EIS. The premise of this modeling exercise is the use of NHTSA's recently-embraced "social optimization" approach to standard setting (essentially a formal cost-benefit approach). Although NHTSA has stated that it will discard this approach in this rulemaking, it also reports that Cass Sunstein asked for an analysis in the EIS using this approach. Katie Thomson has now agreed actually to confirm that Cass will insist on an analysis in the EIS using the social optimization approach. If he does, then she will insist on it as well and also insist on getting sign-off, very soon, from OMB on the economic inputs I mentioned above.

Deliberative

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA[]; N=Eric Wachter/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Arvin Ganesan/OU=DC/O=USEPA/C=US
Sent: Wed 6/3/2009 8:14:22 PM
Subject: quick briefing for call with Senator Durbin

You are slated to do a 5:30 call with Senator Durbin (D-IL). The main reason he is calling you is a parochial, political one. Here's the backstory.

Yesterday, EPA Region Five took an action against BP for CAA violations. In particular, EPA alleges that for calendar years 2003 through 2008 BP failed to manage and treat benzene waste from the facility as required by the national emission standards for hazardous air pollutants. Rep Kirk (R-IL), who represents Chicago, is sending EPA a letter on the Great Lakes, asking for an investigation of all discharges (including CWA related discharges) made by various BP sites into Lake Michigan and the Great Lakes region.

Deliberative

Thanks and please let me know if you get this email.

Arvin

For Immediate Release No. 09-OPA100

(Chicago – June 2, 2009) U.S. Environmental Protection Agency Region 5 has cited BP Products North America Inc. for alleged Clean Air Act violations at the company's petroleum refinery at 2815 Indianapolis Blvd., Whiting, Ind.

EPA alleges that for calendar years 2003 through 2008 BP failed to manage and treat benzene waste from the facility as required by the national emission standards for hazardous air pollutants. The facility's 2008 report showed that benzene waste was almost 16 times the amount allowed.

These are preliminary findings of violations. To resolve them, EPA may issue a compliance order, assess an administrative penalty or bring suit against the company in federal court. BP has 30 days from receipt of the notice to meet with EPA to discuss resolving the allegations.

Benzene is known to cause cancer in humans. Acute health effects from benzene exposure can include dizziness and lightheadedness; eye, nose and throat irritation; upset stomach and vomiting; irregular heartbeat; convulsions and death. Ecological effects include death in exposed animal, bird and fish populations and death or reduced growth rate in plant life.

ARVIN R. GANESAN

Deputy Associate Administrator for Congressional Affairs
United States Environmental Protection Agency
Ganesan.Arvin@epa.gov
(p) 202.564.5200
(f) 202.501.1519

To: "Richard Windsor" [Windsor.Richard@epamail.epa.gov]
From: CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US
Sent: Thur 6/4/2009 9:29:01 PM
Subject: CEQ guidance on NEPA

I got an email this afternoon from Ted Boling at CEQ, which included the latest draft of their guidance on climate-related NEPA guidance. So no need to raise the issue with Nancy S. at breakfast tomorrow, as I'd suggested you do. (There is a note from me on this topic in your briefing book tonight.)

Coming to Bonn has been a good thing. I can give you a much better sense now of State's various climate ventures, and I think they're getting a better sense of how EPA can help. Off to China on Saturday.

I hope you're doing well. Sounds like it's busy there. Take care.

Lisa

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Katharine Gage/OU=DC/O=USEPA/C=US@EPA[]; N=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Katharine Gage/OU=DC/O=USEPA/C=US@EPA[]; N=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Katharine Gage/OU=DC/O=USEPA/C=US@EPA[]; N=Katharine Gage/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Daniel Gerasimowicz/OU=DC/O=USEPA/C=US
Sent: Fri 6/5/2009 8:42:08 PM
Subject: Additional Briefing Materials for Monday, June 8th
[LPJ Report 06.05.09.doc](#)
[060809-PBS To The Contrary Briefing Memo.doc](#)
[060509 - Azteca America Briefing Memo.doc](#)

Hi Administrator Jackson:

Attached below are the remaining pieces of your briefing book for Monday, June 8th -

1. Supplemental Report
2. PBS To the Contrary Briefing
3. Azteca America Briefing

Thank you and have a great weekend,
Dan

Dan Gerasimowicz
Office of the Administrator
U.S. Environmental Protection Agency
(202) 564-7314
gerasimowicz.daniel@epa.gov

SUPPLEMENTAL REPORT

From HQ:

Deliberative

From the Regions

Deliberative

Deliberative

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US
Sent: Sun 6/7/2009 1:52:17 PM
Subject: update on Bonn and Beijing

Lisa,

Deliberative

Deliberative

Deliberative

Hope this is helpful.

Best,
Lisa

To: CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]; N=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Bob Sussman/OU=DC/O=USEPA/C=US
Sent: Sun 6/7/2009 10:56:35 PM
Subject: Meeting on Air Issues

John Walke of NRDC met with me and a number of OAR staff on Friday. (Sorry, Gina, that you weren't able to attend because of your schedule). While John was complementary about our progress on many fronts, he expressed a strategic perspective on CAIR/mercury that I found challenging and somewhat troubling.

Deliberative

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

To: "Richard Windsor" [Windsor.Richard@epamail.epa.gov]
From: CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US
Sent: Mon 6/8/2009 12:37:56 PM
Subject: Beijing update

Pretty rough going here. Getting a good outcome in Copenhagen will be hard. No big surprise there, but it's still nerve-wracking to see the dynamics first-hand.

Deliberative

Hope all's well there. Glad to hear about more AA's coming on board.

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=David McIntosh/OU=DC/O=USEPA/C=US
Sent: Mon 6/8/2009 7:33:41 PM
Subject: Fw: all materials for Tuesday's 12:00 meeting with Democratic Senators
[Memo re June 9 Mtg w Dem Senators.docx](#)
[June 9 Outline.doc](#)
[June 9 Remarks.docx](#)
[June 9 Q&A.doc](#)

Just FYI (I never know if materials actually find their way into your binder).
----- Forwarded by David McIntosh/DC/USEPA/US on 06/08/2009 03:32 PM -----

From: David McIntosh/DC/USEPA/US
To: "Katharine Gage" <Gage.Katharine@epamail.epa.gov>
Date: 06/08/2009 03:09 PM
Subject: Fw: all materials for Tuesday's 12:00 meeting with Democratic Senators

Hi Kate. Sorry, Arvin told me you're the Book Captain, not Megan. Pls let me know you received this stuff.

----- Original Message -----

From: David McIntosh
Sent: 06/08/2009 02:15 PM EDT
To: Megan Cryan
Cc: Robert Goulding; Katharine Gage; Eric Wachter
Subject: Fw: all materials for Tuesday's 12:00 meeting with Democratic Senators
FYI (for today's book in the event that the Administrator ends up doing this).
----- Forwarded by David McIntosh/DC/USEPA/US on 06/08/2009 02:14 PM -----

From: David McIntosh/DC/USEPA/US
To: Gina McCarthy/DC/USEPA/US@EPA
Cc: Arvin Ganesan/DC/USEPA/US@EPA
Date: 06/08/2009 02:14 PM
Subject: all materials for Tuesday's 12:00 meeting with Democratic Senators

All the documents, including the Q&A, are here now.

TAPED INTERVIEW WITH AZTECA AMERICA

Reporter: Armando Guzman

June 8, 2009

4:00PM – 4:15 PM [15 minutes]

NAME/S: Azteca America, Armando Guzman, Reporter

LOCATION: Waiting room next to Green Room

STAFF: Betsaida Alcantara (Office: 202-564-1692) **Personal Privacy**

FORMAT: This is a short sit down interview with Armando Guzman from Azteca America TV

TOPICS: New clean economy, clean drinking water, climate change, EJ

Questions US-EPA Administrator Jackson:

You speak with President Obama about environmental issues all the time, when the president says that he wants to make our homes greener... what kind of time target does he have in mind?

1.- Lets imagine that we are living in the year 2016 which will be the last year of his second term... describe for me the environmental changes that we will see on an average home.
What kind of cars will we be driving?
Will they still be powered by gasoline?

2. - Al Gore wrote almost 15 years ago that the internal combustion engine will be eliminated... I'm in my late 40s do you realistically think that we will see that day?
What are we going to do with all those cars...?
Isn't it true that, the elimination of all that junk will be an environmental nightmare in itself

3.- Gasoline prices are going up again for the summer... is it true that gasoline will be more expensive in the future because of all the regulations to make it cleaner?

4. - We have been reading and seeing the incredible process that GM has gone thru in the last months. Now that the government has such a prominent role in GM what kind of cars would you like to see rolling out their assembly lines? And I'm not talking about the year 2020 with 36 miles per gallon. I'm talking about 2011.

5. - Will those cars be cheaper or more expensive because of all that new technology?

6. - Explain to us why schools located in poor neighborhoods have worst air quality than schools in other communities?

7. - Why is it necessary to spend almost 4 billion dollars in creating cleaner water? I thought that we have clean water; I've been drinking from the faucet all my life and I only get sick when I go out of the country.

8.- The heartland Institute says that the climate change is just imagination and that in reality we are living with the normal cycles and variations in climate our planet has had since its creation.
Is this in your view the same as saying that the earth is flat?

9. - Do you think that it is realistic what several members in congress are proposing: to accomplish emission reduction targets of 17% by the year 2020.
This target is more aggressive than the President's 14% target. Do you think that 17% is realistic?

10.- But coal is the cheapest and at the same time to dirtiest of all natural resources... and 40 states are using it. 40 out of the 50.
And finally—

11. - Navistar has gone to court saying that EPA does not have regulatory authority to certify heavy duty diesel engines using catalytic reduction emissions of nitrogen oxides
It is obvious they want to go cheap on pollution control standards.
Are they the only ones in the industry not using SCR.?
What if they win?

BACKGROUND:

Azteca América is a broadcast television network marketed toward Spanish-speaking families residing in the United States. As the fastest-growing Hispanic network, Azteca América now reaches 89% of the Hispanic households in the U.S., operating in sixty-two markets nationwide. Wholly owned by Mexican broadcaster TV Azteca, S.A. de C.V, Azteca América has access to programming from TV Azteca's three national networks including a library with over 200,000 hours of original programming and news from local bureaus in 32 Mexican states. The network complements Mexican programming with a line-up of shows from international producers and distributors.

MATERIALS:

- Energy TPs
- Cap and Trade TPs
- Accomplishments Memo

ENERGY POLICY TALKING POINTS: AN AMERICAN CLEAN ENERGY ECONOMY & ENERGY INDEPENDENCE

President Obama is committed to a comprehensive energy plan that addresses the urgent need for jobs and economic growth and energy independence.

For decades, Washington has ignored the energy crisis, imperiling our economy, our security and our planet. Now President Obama is committed to a comprehensive energy plan that will generate millions of clean energy jobs, break our dependence on foreign oil and reduce the threat of deadly pollution.

With the depletion of the world's oil reserves and the growing disruption of our climate, the development of clean, renewable sources of energy is the growth industry of the 21st Century. Obama says that our economic future demands we lead that competition.

The President's energy policy will jump-start the creation of an American Clean Energy sector that will create millions of clean energy jobs. This sector will create good jobs at good wages in research for new technologies, for skilled workers who weatherize our homes and buildings, and for workers in the factories that manufacture wind turbines. These are good jobs that cannot be shipped overseas.

Investments in a new American Clean Energy sector are critical to restoring America's role as a global leader in the clean energy industry. American businesses need these investments now to compete with companies in Asia and Europe whose countries are ahead of the United States in making aggressive investments in clean energy. Rather than sending billions overseas to pay for these technologies, we can start investing these dollars here in American jobs and innovation.

We must make investments in clean and alternative energy sources that will reduce our dependence on foreign oil and begin making America energy independent. Investments in solar power, wind energy and bio-fuels will not only create clean energy jobs, they are also an important element in securing our economic and national security.

As part of this comprehensive energy policy we must also take aggressive steps to crack down on corporations that pollute our rivers and streams, the water we drink and the air we breathe. These steps will also help to finally tackle global warming and its potentially catastrophic effects. It's important to remember that our approach to energy policy and attacking pollution and the effects of global warming are two sides of the same coin.

Cap and Trade TPs

- One of the President's top priorities is to transform our economy by eliminating the twin threats of dependence on foreign oil and climate change and going to one based on clean, reliable sources of energy
- The President has already committed to implementing a cap-and-trade program to reduce GHG emissions 14 percent below 2005 levels by 2020, and 83 percent below 2005 levels by 2050
- The revenues from such a program would be reinvested back in the community – serving vulnerable families and business and developing and deploying clean energy technologies that will grow jobs and jump-start the clean energy sector.
- The President believes we must have innovation in many areas – wind, solar, advanced biofuels, carbon capture and storage, increased fuel-efficiency – in order to sustainably grow our economy and protect our environment.
- To catalyze this clean energy economy over the next three years, we will invest enough to double our supply of renewable energy. That also means good paying jobs weatherizing homes and buildings, upgrading our electrical grid – jobs that cannot be outsourced but have to be done in our communities.

JANUARY- MAY 2009 HIGHLIGHTS OF ACCOMPLISHMENTS UNDER EPA ADMINISTRATOR LISA JACKSON

ISSUED PROPOSED ENDANGERMENT FINDING

After a thorough scientific review ordered in 2007 by the U.S. Supreme Court, the Environmental Protection Agency issued a proposed finding Friday that greenhouse gases contribute to air pollution that may endanger public health or welfare. The proposed finding identified six greenhouse gases that pose a potential threat. This finding confirms that greenhouse gas pollution is a serious problem now and for future generations. Fortunately, it follows President Obama's call for a low carbon economy and strong leadership in Congress on clean energy and climate legislation.

ANNOUNCED PROPOSED RULEMAKING ON THE RENEWABLE FUEL STANDARD

This proposal outlines the EPA's strategy for increasing the supply of renewable fuels, poised to reach 36 billion gallons by 2022, as mandated by the Energy Independence and Security Act of 2007. Increasing renewable fuels will reduce dependence of foreign oil by more than 297 million barrels a year and reduce greenhouse gas emissions by an average of 160 million tons a year when fully phased in by 2022. As we work towards energy independence, using more homegrown biofuels reduces our vulnerability to oil price spikes that everyone feels at the pump. Energy independence also puts billions of dollars back into our economy, creates green jobs, and protects the planet from climate change in the bargain.

COMMITTED TO DIOXIN CLEAN UP AND EXPIDITED HUMAN HEALTH ANALYSIS

Finally, EPA announced that it was committed to a federal leadership role in expediting the ongoing cleanup of the Michigan Dow Dioxin site and an acceleration of the long-delayed Environmental Protection Agency's overall scientific review of dioxins. The administrator has committed to releasing a draft report of the human health risks various levels of dioxins pose by December 31, 2009 and a final report and assessment by the end of 2010.

UNDERTOOK IMPARTIAL REVIEW OF CALIFORNIA WAIVER DECISION:

The EPA is reconsidering a Bush Administration decision that denied the State of California permission to set standards controlling greenhouse gases from motor vehicles. Shortly after taking office, President Barack Obama requested that EPA revisit the matter of the denial. EPA Administrator Lisa P. Jackson believes it is imperative that we get this decision right, and base it on the best available science and a thorough understanding of the law.

LAUNCHED SCHOOL AIR MONITORING INITIATIVE:

The EPA announced a new initiative to further measure levels of toxic air pollution at 62 schools in 22 states to protect children where they learn and play. EPA and its state partners will prioritize and monitor schools for more extensive air quality analysis, looking closely at schools located near large industries and in urban areas. This action is particularly critical in some low-income areas, which are sometimes disproportionately impacted by environmental degradation.

REQUIRED FIRST MANDATORY NATIONAL REPORTING ON GREENHOUSE GAS EMISSIONS:

Proposed the first comprehensive national system for reporting emissions of carbon dioxide and other greenhouse gases produced by major sources in the United States.

The proposed reporting requirements would apply to suppliers of fossil fuel and industrial chemicals, manufacturers of motor vehicles and engines, as well as large direct emitters of greenhouse gases with emissions equal to or greater than a threshold of 25,000 metric tons per year. This threshold is roughly equivalent to the annual greenhouse gas emissions from just over 4,500 passenger vehicles. The vast majority of small businesses would not be required to report their emissions because their emissions fall well below the threshold.

INITIATED PLAN TO PREVENT COAL ASH RELEASES:

Responding to last year's massive coal ash spill at a Tennessee Valley Authority facility in Kingston, Tennessee, the EPA laid out new efforts to prevent future threats to human health and the environment. The agency's plan includes measures to gather critical coal ash impoundment information from electrical utilities nationwide, conduct on-site assessments to determine structural integrity and vulnerabilities, order cleanup and repairs where needed, and develop new regulations for future safety.

PROPOSED REVIEW OF KEY CLEAN AIR DOCUMENT:

EPA is reconsidering a Bush Administration memo regarding the scope of the Clean Air Act. EPA will vigorously review the memo, originally submitted by former EPA Administrator Stephen Johnson, to ensure that it is consistent with the Obama Administration's climate change strategy and interpretation of the Clean Air Act. While conducting this review, EPA will abide by the three core principles outlined by Administrator Jackson: overwhelming transparency, adherence to the rule of law, and science-based policies and regulations.

PROPOSED TO CREATE AN EMISSIONS CONTROL AREA (ECA) AROUND THE NATION'S COASTLINE:

The United States took a critical step towards protecting Americans from harmful ship emissions by becoming the first country to ask the International Maritime Organization to create an emissions control area (ECA) around the nation's coastline. The EPA made a joint announcement with the Coast Guard in March. EPA submitted a proposal to the International Maritime Organization to designate our coastline as emissions control areas - essentially ensuring that the toxic emissions of ocean going vessels are not impacting air quality in our coastal communities. According to the EPA's data, the creation of an ECA would save up to 8,300 American and Canadian lives every year by 2020 by imposing stricter standards on oil tankers and other large ships that spew harmful emissions into the air near coastal communities where tens of millions of Americans live, work, play and learn.

RENEWED EPA'S COMMITMENT TO SCIENCE

Stressing the importance of scientific integrity and transparency, EPA Administrator Lisa P. Jackson called for key changes to the process for reviewing National Ambient Air Quality Standards (NAAQS) to protect human health and the environment. These changes will help us bring a greater rigor and openness to our standard-setting process and improve the scientific basis for our standards

EPA also announced reforms to the agency's Integrated Risk Information System (IRIS) that will revitalize the program and ensure its scientific quality, integrity, transparency and timeliness. The IRIS database provides crucial information on ways human health is impacted by exposure to chemical substances in air, water, and land both from contaminated sites and from products.

The American Recovery and Reinvestment Act of 2009 specifically includes \$4 billion for Clean Water State Revolving Fund and Drinking Water State Revolving Fund to help communities with water quality and wastewater infrastructure needs and \$2 billion for drinking water infrastructure needs. A portion of the funding will be targeted toward green infrastructure, water and energy efficiency, and environmentally innovative projects.

The Obama administration proposed a budget of \$10.5 billion for the U.S. Environmental Protection Agency, the largest in the agency's 39-year history. \$3.9 billion for the Clean Water State Revolving Fund and Drinking Water State Revolving Fund grants to support approximately 1,000 clean water projects and 700 drinking water projects - this year's largest single investment.

CONFIDENTIAL MEMORANDUM

TO: Administrator Jackson
FROM: David McIntosh
DATE: June 8, 2009
RE: Tuesday 12:00 Meeting with Democratic Senators about Climate Policy

Deliberative

TAPED TV INTERVIEW WITH PBS'S TO THE CONTRARY
June 8, 2009
5:15 PM – 5:45 PM [30 minutes]

NAME/S: Danielle Brinkley, Producer, 410-375-9745; Bonnie Erbe, Host

LOCATION: EPA Headquarters, Multimedia Office

STAFF: Betsaida Alcantara (Office: 202-564-1692 / Cell Personal Privacy)

TOPIC/S:

To The Contrary is hosted by veteran journalist Bonnie Erbe. Bonnie is interested in speaking with you about:

- being the first African American woman to head the EPA
- environmental protection for low-income and minority communities
- how cash-strapped women-owned and minority-owned small businesses can survive stricter EPA regulations
- and what you're doing to ensure women and minorities receive their fair share of green jobs.

FORMAT:

You will do a sit down interview at EPA's multimedia studio with Bonnie. The interview will last about 20 minutes with no break.

BACKGROUND:

Currently in our 18th season on air, To The Contrary covers political and social issues affecting women, children, families, and communities of color.

Bonnie Erbe joined forces with PBS and Maryland Public Television to create To The Contrary, the country's first news analysis series featuring all women panelists. The increased voice of women in positions of power brings a unique perspective to the changing American, social, economic and political landscape -- a perspective featured, and celebrated, nationwide on To The Contrary since April 1992.

KEY MESSAGES:

- President Obama is committed to a comprehensive energy plan that addresses the urgent need for jobs and economic growth and energy independence
- The future economy is a green economy, and the African American community needs to be a part of it, and we need to be engaged in it. Not just as consumers but more importantly as business players, developing products and services.
- There is plenty of innovation on this front – here in DC there's an organization training residents in the installation and maintenance of solar panels, and their first project is a Baptist Church – which represents one of many ways we can and should be engaged in this new economy
- EPA is back on the job - in our communities where our kids are breathing unsafe air or drinking unsafe water at our schools, that's where EPA will step in
- The President's election and YOUR nomination changed the face of environmentalism overnight – but that will only be symbolism if we don't work to make this movement more open, more inclusive and more effective for our communities.

MATERIALS:

- EJ Talking points
- WH talking points on Energy Policy
- Two pager on EPA EJ Program
- One pager on EPA Small Business Program
- Granular data on EPA contracts awarded to Small Disadvantaged Businesses
- Accomplishments doc

ENVIRONMENTAL JUSTICE TALKING POINTS

- I think it's a real issue. I think it is an issue for any community that feels itself disproportionately impacted by any aspect of environmental regulation. First and foremost at the EPA we are about protecting human health and the environment, but too often, whether it be the elderly or children or people in a community that find themselves subject to multiple sources of pollution, I think communities have felt let down in the past that EPA didn't understand their particular needs.
- There are too many places in this country where pollution and environmental degradation fall disproportionately on low-income and minority communities.
- People are falling ill with diseases like asthma and cancer. Businesses won't set up shop in those neighborhoods and good jobs are hard to find. And it sends the absolute wrong message to the people that their environmental concerns are not as important as others.
- We can't stand by and accept those disparities any longer. At EPA, it's part of our essential mission to show all Americans that we work for them.
- As a start, we're building our environmental justice team, increasing budget support for their work, and seeking creative new strategies.
- We're putting in place internships, youth summits, organizing workshops, and other strategies to generate the inclusive and intergenerational leadership that the environmental movement and EPA needs.
- We're also asking for your help. Environmental justice communities have tremendous experience confronting unfair burdens and shaping sustainable alternatives.
- We have to go to every community and show them that the issues of environmental protection are their issues, and that our work is their work.

**ENERGY POLICY TALKING POINTS:
AN AMERICAN CLEAN ENERGY ECONOMY & ENERGY INDEPENDENCE**

President Obama is committed to a comprehensive energy plan that addresses the urgent need for jobs and economic growth and energy independence

For decades, Washington has ignored the energy crisis, imperiling our economy, our security and our planet. Now President Obama is committed to a comprehensive energy plan that will generate millions of clean energy jobs, break our dependence on foreign oil and reduce the threat of deadly pollution.

With the depletion of the world's oil reserves and the growing disruption of our climate, the development of clean, renewable sources of energy is the growth industry of the 21st Century. Obama says that our economic future demands we lead that competition.

- The President's energy policy will jump-start the creation of an American Clean Energy sector that will create millions of clean energy jobs. This sector will create good jobs at good wages in research for new technologies, for skilled workers who weatherize our homes and buildings, and for workers in the factories that manufacture wind turbines. These are good jobs that cannot be shipped overseas.
- Investments in a new American Clean Energy sector are critical to restoring America's role as a global leader in the clean energy industry. American businesses need these investments now to compete with companies in Asia and Europe whose countries are ahead of the United States in making aggressive investments in clean energy. Rather than sending billions overseas to pay for these technologies, we can start investing these dollars here in American jobs and innovation.
- We must make investments in clean and alternative energy sources that will reduce our dependence on foreign oil and begin making America energy independent. Investments in solar power, wind energy and bio-fuels will not only create clean energy jobs, they are also an important element in securing our economic and national security.
- As part of this comprehensive energy policy we must also take aggressive steps to crack down on corporations that pollute our rivers and streams, the water we drink and the air we breathe. These steps will also help to finally tackle global warming and its potentially catastrophic effects. It's important to remember that our approach to energy policy and attacking pollution and the effects of global warming are two sides of the same coin.

EPA'S ENVIRONMENTAL JUSTICE PROGRAM

EPA's mission and environmental justice go hand-in-hand: we focus our attention on communities that need it most. Environmental justice is achieved when everyone, regardless of race, culture, or income, enjoys a healthy environment and sustainable local economy within which to live, work, and play.

EPA's Environmental Justice (EJ) Program, created in 1992, seeks to:

- Eliminate the disproportionately high and adverse environmental burdens from many sources, including industrial facilities and mobile sources;
- Build long-term capacity for communities to protect their own environments (e.g. clean air, water, and land) and their own health; and
- Work with other agencies to foster access to fundamental human needs such as health care, nutritious food, parks and recreation, education, transportation, and opportunities within the new green economy.

RECENT ACCOMPLISHMENTS:

Measurable Results through EJ integration in All Agency Programs: EPA seeks to make tangible difference in the environment and public health of minority, low-income and tribal communities. Some examples are:

- More than 64,000 tons of air pollutants reduced annually through seven global enforcement settlements with petrochemical facilities in Southeast Texas (Houston, Beaumont, Port Arthur Industrial Corridor).
- Significant reductions of lead poisoning in the City of Boston
- Increased percentage of Native Alaska Village homes connected to drinking and waste water systems from 60% (in 1993) to 90% (in 2008).

Environmental Justice Grants: Over the past 15 years, **EPA has provided over \$31 million in EJ grants to more than 1100 communities, with significant results.** For example, a \$20K EJ Small Grant to address local hazardous waste concerns propelled an African American community in Spartanburg, South Carolina on a sustained journey of environmental cleanup and community revitalization. The effort has leveraged over \$166 million in environmental, transportation, housing, health care, economic development and other funds from multiple public and private sector organizations.

In April 2009, EPA announced another 40 EJ Small Grants (\$800,000). These included:

- New Orleans, Louisiana: To help predominately African American refinery communities to organize a "bucket brigade" to gain a comprehensive understanding of unauthorized discharges to the air and water from 17 Louisiana refineries. This project will include researching monthly incident data from 2005-08, to identify problem-solving opportunities for the communities affected by these refinery emissions.
- Camden, New Jersey: To assist a community organization in this predominately African American city to develop an online tool for identifying and studying emissions, contaminated soil sites, and the status of pending air pollution mitigation and site remediation efforts.

National Environmental Justice Advisory Council (NEJAC): The NEJAC is an important tool to ensure that all communities are meaningfully involved in EPA's decision making process. As a federal advisory committee, the NEJAC provided consensus advice on key issues like cumulative risk, Brownfields, waste transfer stations, Superfund relocation, pollution prevention, and public participation. In 2008-2009, it has provided advice on key issues like green economy, EJ screening tools, air toxics and goods movement/ports, and air toxic monitoring around schools.

CURRENT PROGRAM DIRECTIONS AND ACTIVITIES:

President Obama is looking to EPA to provide leadership for the Federal Government to more effectively provide for environmental justice. EJ is integral to aligning national environmental goals, such as reducing greenhouse gas emissions, with social and economic goals, such as eliminating health disparities and creating jobs through the new green economy.

- **Achieve Measurable Environmental and/or Public Health Results in Communities with Greatest Need:** Every EPA program office and region has made biennial commitments to achieving measurable results through biennial “EJ Action Plans.” In addition, each office is conducting an EJ program review in 2009.
- **EJ and Stimulus Funding:** EPA is actively encouraging other federal agencies, states and local government to consider EJ and green practices in their use of federal Stimulus funding.
- **Priority Issues:** The Agency’s EJ Executive Steering Committee designated the five following Priority Issues for focused attention in FY2009-FY2010:
 - Air toxics issues related to ports and goods movement;
 - Water infrastructure for tribal, rural and disadvantaged communities;
 - Incorporating EJ considerations into regulatory development;
 - Climate change and green economy; and
 - EJ Showcase Communities (Innovative, holistic geographic initiatives).
- **State EJ Grants:** In 2009, EPA will award five State EJ Grants totaling \$800,000. These grants provide funding to State agencies to build partnerships with affected communities to understand, promote and integrate approaches to achieving meaningful and measurable improvements to the public health and/or environment in such communities.

EPA OFFICE OF SMALL BUSINESS PROGRAMS

EPA's Office of Small Business Programs is dedicated to the success of small and disadvantaged businesses nationwide and supports small and socioeconomically disadvantaged business concerns by facilitating partnerships, contracts, subagreements, and procurement opportunities. This office ensures that the small business community is given a fair opportunity to pursue the contract and grants dollars that flow through EPA.

EPA has a program (OSBP's Disadvantaged Business Enterprise Program) that ensures that small, minority and woman-owned businesses are given equitable opportunity to participate in the \$4.4 billion EPA grant dollars.

African Americans would be eligible to tap into the over \$230 million EPA made available in 2008/2009 in contracts for small disadvantaged businesses. There's also an additional \$84 million that EPA will have available in contracts for women-owned small businesses as well.

We partner with African American, Asian and Hispanic Chambers of Commerce to provide outreach and counseling to small business owners across the country to make sure they know how to access these dollars.

For the last two years, EPA received a 'GREEN' rating on the Small Business Administration's scorecard which rates the performance of all Federal Agencies in meeting their small business mandates and goals. "GREEN" is the highest rating given, making EPA a recognized leader in contracting in both the small business community and the Federal government.

EPA Support for Historically Black Colleges and Universities (HBCU's):

EPA has awarded millions to HBCU's to fund research and development, fellowship grants, trainings, among other initiatives. (Last year we awarded \$1.7 million)

EPA created a Steering Committee that will provide coordinated strategic direction and resource allocation for the Minority Academic Institution Program. We believe these efforts will significantly increase opportunities for EPA to partner with HBCUs to fulfill the Agency's statutory mission.

Examples of Partnerships with HBCUs:

EPA manages a Clinical Legal Education Program that recruits, hires and supervises college students from Howard University's School of Law, the National Black Law Students Association, and the Equal Justice Works Public Interest Job Fair.

EPA currently has Student Career Experience Program (SCEP) agreements with a number of Historically Black Colleges including Morgan State University, Saint Paul's College, Spelman College, Clark-Atlanta University, Southern University, Florida A&M University, and North Carolina Central University.

The SCEP recruits students for various positions including: Special Agent, Environmental Scientist and Engineer, Environmental Protection Specialist, Program Analyst, and Computer Specialist.

EPA supports a Research Apprenticeship Program for High School Students at Shaw University which encourages them to pursue advanced degrees in environmental sciences. EPA's Science to Achieve Results (STAR) program funds research grants and graduate fellowships in environmental science and engineering disciplines.

EPA has a Memorandum of Understanding (MOU) with Howard University.

DATA ON EPA CONTRACTS GOING TO MINORITY SMALL BUSINESSES:

Category	FY 2008	
	\$	%
Total Dollars	\$1.5B	
Small Business	\$666.8M	43.0%
Small Disadvantaged Business (SDB incl. 8(a))	\$230.4M	14.8%
8(a) Firms Only	\$129.9M	8.4%
Women Owned Small Businesses (WOSB)	\$89.5M	5.8%
HUBZone Certified by SBA	\$38.9M	2.5%
Service-Disabled Veteran-Owned Sm. Business	\$61.6M	4.0%

Category	FY 2007	
	\$	%
Total Dollars	\$1.4B	
Small Business	\$585.6M	41.0%
Small Disadvantaged Business (SDB incl. 8(a))	\$199.3M	13.9%
8(a) Firms Only	\$122.7M	8.6%
Women Owned Small Businesses (WOSB)	\$87.3M	6.1%
HUBZone Certified by SBA	\$31.0M	2.2%
Service-Disabled Veteran-Owned Sm. Business	\$57.3M	4.0%

Category	FY 2006	
	\$	%
Total Dollars	\$1.2B	
Small Business	\$434.0M	36.2%
Small Disadvantaged Business (SDB incl. 8(a))	\$154.8M	12.9%
8(a) Firms Only	\$99.0M	8.3%
Women Owned Small Businesses (WOSB)	\$67.0M	5.6%
HUBZone Certified by SBA	\$26.2M	2.2%
Service-Disabled Veteran-Owned Sm. Business	\$19.6M	1.6%

Category	FY 2005	
	\$	%
Total Dollars	\$1.2B	
Small Business	\$441.0M	34.7%
Small Disadvantaged Business (SDB incl. 8(a))	\$138.7M	10.9%
8(a) Firms Only	\$83.2M	6.6%
Women Owned Small Businesses (WOSB)	\$63.4M	5.0%
HUBZone Certified by SBA	\$10.8M	.9%
Service-Disabled Veteran-Owned Sm. Business	\$2.9M	.2%

Category	FY 2004	
	\$	%
Total Dollars	\$1.2B	
Small Business	\$380.7M	32.3%
Small Disadvantaged Business (SDB incl. 8(a)	\$124.1M	10.6%
8(a) Firms Only	\$84.3M	7.1%
Women Owned Small Businesses (WOSB)	\$53.4M	4.5%
HUBZone Certified by SBA	\$8.0M	.7%
Service-Disabled Veteran-Owned Sm. Business	\$907K	.08%

JANUARY- MAY 2009 HIGHLIGHTS OF ACCOMPLISHMENTS UNDER EPA ADMINISTRATOR LISA JACKSON

ISSUED PROPOSED ENDANGERMENT FINDING

After a thorough scientific review ordered in 2007 by the U.S. Supreme Court, the Environmental Protection Agency issued a proposed finding Friday that greenhouse gases contribute to air pollution that may endanger public health or welfare. The proposed finding identified six greenhouse gases that pose a potential threat. This finding confirms that greenhouse gas pollution is a serious problem now and for future generations. Fortunately, it follows President Obama's call for a low carbon economy and strong leadership in Congress on clean energy and climate legislation.

ANNOUNCED PROPOSED RULEMAKING ON THE RENEWABLE FUEL STANDARD

This proposal outlines the EPA's strategy for increasing the supply of renewable fuels, poised to reach 36 billion gallons by 2022, as mandated by the Energy Independence and Security Act of 2007. Increasing renewable fuels will reduce dependence of foreign oil by more than 297 million barrels a year and reduce greenhouse gas emissions by an average of 160 million tons a year when fully phased in by 2022. As we work towards energy independence, using more homegrown biofuels reduces our vulnerability to oil price spikes that everyone feels at the pump. Energy independence also puts billions of dollars back into our economy, creates green jobs, and protects the planet from climate change in the bargain.

COMMITTED TO DIOXIN CLEAN UP AND EXPEDITED HUMAN HEALTH ANALYSIS

Finally, EPA announced that it was committed to a federal leadership role in expediting the ongoing cleanup of the Michigan Dow Dioxin site and an acceleration of the long-delayed Environmental Protection Agency's overall scientific review of dioxins. The administrator has committed to releasing a draft report of the human health risks various levels of dioxins pose by December 31, 2009 and a final report and assessment by the end of 2010.

UNDERTOOK IMPARTIAL REVIEW OF CALIFORNIA WAIVER DECISION:

The EPA is reconsidering a Bush Administration decision that denied the State of California permission to set standards controlling greenhouse gases from motor vehicles. Shortly after taking office, President Barack Obama requested that EPA revisit the matter of the denial. EPA Administrator Lisa P. Jackson believes it is imperative that we get this decision right, and base it on the best available science and a thorough understanding of the law.

LAUNCHED SCHOOL AIR MONITORING INITIATIVE:

The EPA announced a new initiative to further measure levels of toxic air pollution at 62 schools in 22 states to protect children where they learn and play. EPA and its state partners will prioritize and monitor schools for more extensive air quality analysis, looking closely at schools located near large industries and in urban areas. This action is particularly critical in some low-income areas, which are sometimes disproportionately impacted by environmental degradation.

REQUIRED FIRST MANDATORY NATIONAL REPORTING ON GREENHOUSE GAS EMISSIONS:

Proposed the first comprehensive national system for reporting emissions of carbon dioxide and other greenhouse gases produced by major sources in the United States.

The proposed reporting requirements would apply to suppliers of fossil fuel and industrial chemicals, manufacturers of motor vehicles and engines, as well as large direct emitters of greenhouse gases with emissions equal to or greater than a threshold of 25,000 metric tons per year. This threshold is roughly equivalent to the annual greenhouse gas emissions from just over 4,500 passenger vehicles. The vast majority of small businesses would not be required to report their emissions because their emissions fall well below the threshold.

INITIATED PLAN TO PREVENT COAL ASH RELEASES:

Responding to last year's massive coal ash spill at a Tennessee Valley Authority facility in Kingston, Tennessee, the EPA laid out new efforts to prevent future threats to human health and the environment. The agency's plan includes measures to gather critical coal ash impoundment information from electrical utilities nationwide, conduct on-site assessments to determine structural integrity and vulnerabilities, order cleanup and repairs where needed, and develop new regulations for future safety.

PROPOSED REVIEW OF KEY CLEAN AIR DOCUMENT:

EPA is reconsidering a Bush Administration memo regarding the scope of the Clean Air Act. EPA will vigorously review the memo, originally submitted by former EPA Administrator Stephen Johnson, to ensure that it is consistent with the Obama Administration's climate change strategy and interpretation of the Clean Air Act. While conducting this review, EPA will abide by the three core principles outlined by Administrator Jackson: overwhelming transparency, adherence to the rule of law, and science-based policies and regulations.

PROPOSED TO CREATE AN EMISSIONS CONTROL AREA (ECA) AROUND THE NATION'S COASTLINE:

The United States took a critical step towards protecting Americans from harmful ship emissions by becoming the first country to ask the International Maritime Organization to create an emissions control area (ECA) around the nation's coastline. The EPA made a joint announcement with the Coast Guard in March. EPA submitted a proposal to the International Maritime Organization to designate our coastline as emissions control areas - essentially ensuring that the toxic emissions of ocean going vessels are not impacting air quality in our coastal communities. According to the EPA's data, the creation of an ECA would save up to 8,300 American and Canadian lives every year by 2020 by imposing stricter standards on oil tankers and other large ships that spew harmful emissions into the air near coastal communities where tens of millions of Americans live, work, play and learn.

RENEWED EPA'S COMMITMENT TO SCIENCE

Stressing the importance of scientific integrity and transparency, EPA Administrator Lisa P. Jackson called for key changes to the process for reviewing National Ambient Air Quality Standards (NAAQS) to protect human health and the environment. These changes will help us bring a greater rigor and openness to our standard-setting process and improve the scientific basis for our standards

EPA also announced reforms to the agency's Integrated Risk Information System (IRIS) that will revitalize the program and ensure its scientific quality, integrity, transparency and timeliness. The IRIS database provides crucial information on ways human health is impacted by exposure to chemical substances in air, water, and land both from contaminated sites and from products.

OUTLINE OF PROPOSED JUNE 9 REMARKS TO DEMOCRATIC SENATORS

Deliberative

PROPOSED REMARKS FOR JUNE 9 MEETING WITH DEMOCRATIC SENATORS

Deliberative

Deliberative

Deliberative

Deliberative

Deliberative

Deliberative

Deliberative

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;Kate Gage [gage.katharine@epa.gov]; N=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;Kate Gage [gage.katharine@epa.gov]; ate Gage [gage.katharine@epa.gov]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Bob Sussman/OU=DC/O=USEPA/C=US
Sent: Tue 6/9/2009 12:45:30 AM
Subject: Talking points for POTUS Meeting
[~1856432.doc](#)

Lisa -- Here are talking points for you to use at tomorrow morning's POTUS meeting. As you know, this will be a 15 minute meeting. According to CEQ, Nancy will begin with a two minute introduction and then you, Salazar and Rock Salt will each have 2-3 minutes, with the remainder for discussion.

Deliberative

Deliberative

I hope to have for you examples of two projects -- one clearly significant, the other not -- later tonight.

Good luck with everything tomorrow! And I apologize for not coming to you today with a better product.

BOB

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US
Sent: Tue 6/9/2009 3:38:08 PM
Subject: Strategic and Economic Dialogue; etc.

Lisa,

It may be that OIA has already given you a heads up on this, but.... State and Treasury are hosting the "Strategic and Economic Dialogue" with China, in DC, on July 27-28. I am told by State that you will be invited to play a role in this event. The event is one piece of the multi-pronged effort to forge a strong bilateral relationship with China. This year's event will focus on climate in a plenary event, and then turn to non-climate environmental (and other) matters in working groups that will operate during the session. I wish I had more to tell you at this point, but I wanted to alert you to the meeting as soon as I knew of State's hope that you would play a role in it. Many, many details yet to come. And perhaps you know all of this already. I can give you the full low-down on the S&ED, as it's now known, when I return, but it seems a bit much for an email.

Deliberative

Lisa

**Administrator Talking Points
POTUS Discussion on Surface Coal Mining
June 9, 2009**

Deliberative

II. Talking Points:

Deliberative

Deliberative

Deliberative

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Eric Wachter/OU=DC/O=USEPA/C=US
Sent: Tue 6/9/2009 9:27:53 PM
Subject: Fw: Hi Lisa!! How Long Are You Staying in Atlanta
Hotspot

----- Forwarded by Eric Wachter/DC/USEPA/US on 06/09/2009 05:24 PM -----

Date 06/05/2009 06:56 PM
From "Williams, Dana P. (CDC/OD/ODREEO)" <gwj5@cdc.gov>
To LisaP Jackson/DC/USEPA/US@EPA
cc
Subject RE: Hi Lisa!! How Long Are You Staying in Atlanta

Hi Lisa,

I'm glad you got to see Sherrel and Caroline.

It's so good to hear that everything's going well with your move and transition. I can imagine how incredibly busy you've been working, travelling and coordinating the move. I hope all goes well with your sale.

Personal Privacy

Personal Privacy

Personal Privacy

I'm glad to hear that your sons are excited - it will be a great move. The DC area has so much to offer and they will have an amazing experience. What a superb time to be in the DC! :

Personal Privacy

Personal Privacy

I did get together with Karen Higginbotham the other night. I actually had dinner with the group that was here for the HRC. I got to see Donna, as well as several other people whom I had worked with over the years, including Ray Spears. It was great to see some of my EPA family! :)

Have you had a chance to meet with Karen, yet? She's done a good job in the office. Although the office of Civil Rights has always had challenges, from what I have observed, I think that she's the director that has come closest to having a true seat at the table. She's been able to elevate the civil rights program and issues, which seems to always be an up hill task.

I must tell you that I can't believe that I am not at EPA while you are the Administrator! I keep in touch with Region 2 and I've been following all the great things that are going on in the Agency. I am so thrilled for you. This is such a wonderful opportunity for you and your family - you have made history at EPA

during one of the most historic times in world history. I know that your family is proud! I feel very excited for EPA and the employees. They deserve your knowledge and style of leadership. What a wonderful time to be at EPA!!

Hopefully we can get together the next time that you're in the Atlanta area. I haven't been travelling too much with David not being here, but whenever I come to DC, I'll give you call. Talk to you soon - take good care!

Dana

-----Original Message-----

From: Jackson.LisaP@epamail.epa.gov

[mailto:Jackson.LisaP@epamail.epa.gov]

Sent: Friday, June 05, 2009 5:55 PM

To: Williams, Dana P. (CDC/OD/ODREEO)

Subject: Re: Hi Lisa!! How Long Are You Staying in Atlanta

Hey Dana,

Good to hear from you and sorry I missed you. Its been quite the whirlwind but I had a blast hangin with Sherrel and Caroline at NARPM.

Personal Privacy

Personal Privacy

Hopefully we can catch up when next I'm in ATL. Lisa

From: "Williams, Dana P. (CDC/OD/ODREEO)" <gwj5@cdc.gov>

To: LisaP Jackson/DC/USEPA/US@EPA

Date: 06/03/2009 01:45 PM

Subject: Hi Lisa!! How Long Are You Staying in Atlanta

Hi Lisa,

I hope that you are well. I am so proud of you and have been following your accomplishments! Keep up the superb work!!

How long are you going to be in Atlanta? I saw you on the news and wondered whether or not you are still in town. I know the HRC is in Atlanta this week. Karen Higginbotham and I are trying to meet up tonight. If you will be around, please let me know - I would love to see you.

Personal Privacy

Dana

Dana P. Williams, JD
Dispute Resolution Manager
Office of Dispute Resolution and Equal Employment Opportunity Centers
for Disease Control and Prevention
(770) 488-3233
(770) 488-3195 - fax

OEX Processing Information
Processed Date:
Processed By
PO Office Category:

Message Count

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Arvin Ganesan/OU=DC/O=USEPA/C=US
Sent: Thur 6/11/2009 11:02:48 PM
Subject: Re: next Green Cabinet meeting

I'm happy to tee that up, if this happens

Deliberative

Deliberative

ARVIN R. GANESAN
Deputy Associate Administrator for Congressional Affairs
United States Environmental Protection Agency
Ganesan.Arvin@epa.gov
(p) 202.564.5200
(f) 202.501.1519

From: Richard Windsor/DC/USEPA/US
To: Arvin Ganesan/DC/USEPA/US@EPA
Cc: Diane Thompson/DC/USEPA/US@EPA
Date: 06/11/2009 06:55 PM
Subject: Re: next Green Cabinet meeting

John F

----- Original Message -----

From: Arvin Ganesan
Sent: 06/11/2009 06:44 PM EDT
To: Richard Windsor
Cc: Diane Thompson
Subject: next Green Cabinet meeting

Lisa,

The next Green Cabinet meeting is apparently taking place at DoT and they want to make the focus of the discussion the Livability Principles. Ron Sims (Deputy Secretary) will be making a presentation on HUD's perspective and Roy Kienitz (Head of Policy Office) will be presenting on behalf of DoT. This begets the question - if this is the topic, who should present for EPA? Mathy? Gina? Bob? Thoughts?

They would need to be briefed a little.

Details are scant, but wanted to raise this early.

Thanks.

ARVIN R. GANESAN
Deputy Associate Administrator for Congressional Affairs
United States Environmental Protection Agency
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(f) 202.501.1519

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Arvin Ganesan/OU=DC/O=USEPA/C=US
Sent: Thur 6/11/2009 11:12:16 PM
Subject: Re: next Green Cabinet meeting

Done. If possible in terms of staff numbers, I'd like to come. But first, we'll see how this meeting gets scoped out.

Sent from my Blackberry Wireless Device

----- Original Message -----

From: Richard Windsor
Sent: 06/11/2009 07:05 PM EDT
To: Arvin Ganesan
Subject: Re: next Green Cabinet meeting

Deliberative

----- Original Message -----

From: Arvin Ganesan
Sent: 06/11/2009 07:02 PM EDT
To: Richard Windsor
Cc: Diane Thompson
Subject: Re: next Green Cabinet meeting

I'm happy to tee that up, if this happens .

Deliberative

Deliberative

ARVIN R. GANESAN
Deputy Associate Administrator for Congressional Affairs
United States Environmental Protection Agency
Ganesan.Arvin@epa.gov
(p) 202.564.5200
(f) 202.501.1519

From: Richard Windsor/DC/USEPA/US
To: Arvin Ganesan/DC/USEPA/US@EPA
Cc: Diane Thompson/DC/USEPA/US@EPA
Date: 06/11/2009 06:55 PM
Subject: Re: next Green Cabinet meeting

John F

----- Original Message -----

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Sent: 06/11/2009 06:44 PM EDT
To: Richard Windsor
Cc: Diane Thompson

Subject: next Green Cabinet meeting

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They would need to be briefed a little.

Details are scant, but wanted to raise this early.

Thanks.

ARVIN R. GANESAN

Deputy Associate Administrator for Congressional Affairs

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Ganesan.Arvin@epa.gov

(p) 202.564.5200

(f) 202.501.1519

To: "Bob Sussman" [sussman.bob@epa.gov]; Chuck Fox" [fox.chuck@epa.gov]
Cc: "Scott Fulton" [fulton.scott@epa.gov]; Richard Windsor"
[Windsor.Richard@epamail.epa.gov]
From: CN=Diane Thompson/OU=DC/O=USEPA/C=US
Sent: Fri 6/12/2009 7:23:19 PM
Subject: Fw: Presidential Memorandum establishing an Interagency Ocean Policy Task Force
[2009ocean mem rel.pdf](#)
[2009oceans prc rel.pdf](#)

Personal Privacy

FYI

From: "Boots, Michael J." **Personal Privacy**
Sent: 06/12/2009 03:11 PM AST
To: "Boots, Michael J." <**Personal Privacy**>
Cc: "Sutley, Nancy H." <**Personal Privacy**> Carson, Jonathan K."
Personal Privacy "Weiss, Michael I." <**Personal Privacy**> "Maher,
Jessica A." <**Personal Privacy**> "Buffa, Nicole" <**Personal Privacy**> "Salzman,
Amelia S." <**Personal Privacy**> Glunz, Christine M."
<**Personal Privacy**> "Hight, Courtney" <**Personal Privacy**> "Pearce, Hardy
L." <**Personal Privacy**>
Subject: Presidential Memorandum establishing an Interagency Ocean Policy Task Force

Dear All –

Today President Obama issued a memorandum establishing an Interagency Ocean Policy Task Force. This Task Force is charged with developing recommendations for a national policy for the oceans, our coasts and the Great Lakes, improved policy coordination, and a framework for coastal and marine spatial planning. The President's Memorandum and a Presidential Proclamation for National Oceans Month are attached.

CEQ will convene the first meeting of the Task Force on Monday, June 22, 2009 from 10am-12. The Task Force will be composed of senior-level policy officials represented on the existing Committee on Ocean Policy. This will be at the Deputy level of your respective departments, agencies and offices. Please provide the name of your Task Force representative by close of business, Monday, June 15, 2009.

We will also establish a Working Committee of the Task Force, composed of senior officials who will be your key representatives to support the Task Force. These representatives will need to commit a substantial portion of their time toward this effort over the next six months. They will be the lead and single point of contact and be able to speak for your respective department, agency or office, and be

available for weekly Working Committee meetings. By close of business Wednesday, June 17, please provide the name of your representative for the Working Committee. The first meeting of the Working Committee will be Thursday, June 25 at 1-3pm.

We are developing a 6-month schedule and work plan to ensure that we meet the objectives and time frames required in the President's Memorandum. This workplan and agendas for the first Task Force and Working Committee meetings will be sent out next week. We have also have prepared a notebook for each Task Force member with relevant background materials which will be provided at the first Task Force meeting.

If you have any questions, please contact Michael Weiss (Deputy Associate Director for Ocean and Coastal Policy) at [Personal Privacy] or [Personal Privacy]. In addition, given the interest in this issue on Capitol Hill, please have your legislative affairs lead be in touch with CEQ's Associate Director for Legislative Affairs, Jess Maher

[Personal Privacy] or [Personal Privacy]

I would like to thank you in advance for your commitment and support of this important effort and look forward to a robust and fruitful six months.

All the best,

Mike

Michael Boots

Associate Director for Land and Water Ecosystems

White House Council on Environmental Quality

730 Jackson Place NW

Washington, DC 20530

Main Line: [Personal Privacy]

Direct: [Personal Privacy]

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

June 12, 2009

NATIONAL OCEANS MONTH, 2009

- - - - -

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Oceans are the Earth's dominant feature. They cover more than 70 percent of the planet's surface and affect our lives in a variety of ways. This month we celebrate the wonder of the oceans, and we commit to protecting and sustaining them for current and future generations.

The oceans are critical to supporting life. From the abyssal plains of the Pacific to the shallow coral reefs and seagrass beds of the Florida Keys, oceans support an incredible diversity of marine life and ecosystems. The base of the oceanic ecosystem provides most of the oxygen we breathe, so oceans are critical to our survival. These bodies of water also drive weather patterns and affect climate.

Our Nation's economy relies heavily on the oceans. Goods and services are transported across them constantly. They support countless jobs in an array of industries, including fishing, tourism, and energy. The economies of entire regions depend on the oceans.

The United States has been a leader in exploring and protecting this critical resource. We have gained new insights into the ocean ecosystems through research and monitoring. We have promoted innovative conservation efforts, such as setting aside special areas as national marine sanctuaries. We have also reduced overfishing, made great strides in reducing coastal pollution, and helped restore endangered species and degraded habitats.

My Administration continues to build upon this progress, and we are taking a more integrated and comprehensive approach to developing a national ocean policy that will guide us well into the future. This policy will incorporate ecosystem-based science and management and emphasize our public stewardship responsibilities. My Administration also is working to develop a systematic marine spatial planning framework for the conservation and sustainable use of ocean resources. I am committed to protecting these resources and ensuring accountability for actions that affect them.

During National Oceans Month, we celebrate these vast spaces and the myriad ways they sustain life. We also pledge to preserve them and commend all those who are engaged in efforts to meet this end.

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NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 2009 as National Oceans Month. I call upon all Americans to learn more about the oceans and what can be done to conserve them.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of June, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

#

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

June 12, 2009

June 12, 2009

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: NATIONAL POLICY FOR THE OCEANS, OUR COASTS,
AND THE GREAT LAKES

The oceans, our coasts, and the Great Lakes provide jobs, food, energy resources, ecological services, recreation, and tourism opportunities, and play critical roles in our Nation's transportation, economy, and trade, as well as the global mobility of our Armed Forces and the maintenance of international peace and security. We have a stewardship responsibility to maintain healthy, resilient, and sustainable oceans, coasts, and Great Lakes resources for the benefit of this and future generations.

Yet, the oceans, coasts, and Great Lakes are subject to substantial pressures and face significant environmental challenges. Challenges include water pollution and degraded coastal water quality caused by industrial and commercial activities both onshore and offshore, habitat loss, fishing impacts, invasive species, disease, rising sea levels, and ocean acidification. Oceans both influence and are affected by climate change. They not only affect climate processes but they are also under stress from the impacts of climate change. Renewable energy, shipping, and aquaculture are also expected to place growing demands on ocean and Great Lakes resources. These resources therefore require protection through the numerous Federal, State, and local authorities with responsibility and jurisdiction over the oceans, coasts, and Great Lakes.

To succeed in protecting the oceans, coasts, and Great Lakes, the United States needs to act within a unifying framework under a clear national policy, including a comprehensive, ecosystem-based framework for the longterm conservation and use of our resources.

In order to better meet our Nation's stewardship responsibilities for the oceans, coasts, and Great Lakes, there is established an Interagency Ocean Policy Task Force (Task Force), to be led by the Chair of the Council on Environmental Quality. The Task Force shall be composed of senior policy-level officials from the executive departments, agencies, and offices represented on the Committee on Ocean Policy established by section 3 of Executive Order 13366 of December 17, 2004. This Task Force is not meant to duplicate that structure, but rather is intended to be a temporary entity with the following responsibilities:

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(OVER)

1. Within 90 days from the date of this memorandum, the Task Force shall develop recommendations that include:

a. A national policy that ensures the protection, maintenance, and restoration of the health of ocean, coastal, and Great Lakes ecosystems and resources, enhances the sustainability of ocean and coastal economies, preserves our maritime heritage, provides for adaptive management to enhance our understanding of and capacity to respond to climate change, and is coordinated with our national security and foreign policy interests. The recommendations should prioritize upholding our stewardship responsibilities and ensuring accountability for all of our actions affecting ocean, coastal, and Great Lakes resources, and be consistent with international law, including customary international law as reflected in the 1982 United Nations Convention on the Law of the Sea.

b. A United States framework for policy coordination of efforts to improve stewardship of the oceans, our coasts, and the Great Lakes. The Task Force should review the Federal Government's existing policy coordination framework to ensure integration and collaboration across jurisdictional lines in meeting the objectives of a national policy for the oceans, our coasts, and the Great Lakes. This will include coordination with the work of the National Security Council and Homeland Security Council as they formulate and coordinate policy involving national and homeland security, including maritime security. The framework should also address specific recommendations to improve coordination and collaboration among Federal, State, tribal, and local authorities, including regional governance structures.

c. An implementation strategy that identifies and prioritizes a set of objectives the United States should pursue to meet the objectives of a national policy for the oceans, our coasts, and the Great Lakes.

2. Within 180 days from the date of this memorandum, the Task Force shall develop, with appropriate public input, a recommended framework for effective coastal and marine spatial planning. This framework should be a comprehensive, integrated, ecosystem-based approach that addresses conservation, economic activity, user conflict, and sustainable use of ocean, coastal, and Great Lakes resources consistent with international law, including customary international law as reflected in the 1982 United Nations Convention on the Law of the Sea.

3. The Task Force shall terminate upon the completion of its duties.

The Task Force's recommendations and frameworks should be cost effective and improve coordination across Federal agencies.

This memorandum covers matters involving the oceans, the Great Lakes, the coasts of the United States (including its

more

territories and possessions), and related seabed, subsoil, and living and non-living resources.

This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person. Nothing in this memorandum shall be construed to impair or otherwise affect the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, regulatory, and legislative proposals.

The Chair of the Council on Environmental Quality is hereby authorized and directed to publish this memorandum in the *Federal Register*.

BARACK OBAMA

#

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Arvin
Ganesan/OU=DC/O=USEPA/C=US@EPA[]; N=Arvin
Ganesan/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Bob Sussman/OU=DC/O=USEPA/C=US
Sent: Sat 6/13/2009 1:52:40 PM
Subject: Chemical Risk Legislative Principles -- CEQ Discussion

Lisa -- Arvin and I met with Jon Carson, Nikki Buffa and Jess Maher at CEQ yesterday to discuss the WH sign-off process on our TSCA reform principles. It was a good meeting and we're guardedly optimistic that we can complete the process in 3-4 weeks.

Deliberative

I think this is a good start. Any further thoughts?

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Diane Thompson/OU=DC/O=USEPA/C=US
Sent: Fri 6/12/2009 9:02:41 PM
Subject: Re: Presidential Memorandum establishing an Interagency Ocean Policy Task Force

Personal Privacy

Done. Meant to tell u that blue jacket looked great yesterday. I like your blue better than my orange.
Hope the day has gone well. Scott approved the Tit V response and I spoke to bob abt wrkg to stop this
last minute stuff. Wil be speaking to aa's also. Hope the playoffs were a big hit.....

From: Richard Windsor
Sent: 06/12/2009 04:06 PM EDT
To: Diane Thompson
Subject: Re: Presidential Memorandum establishing an Interagency Ocean Policy Task Force

Hey. Assuming you sent to Mike Shapio too?

From: Diane Thompson
Sent: 06/12/2009 03:23 PM EDT
To: "Bob Sussman" <sussman.bob@epa.gov>; "Chuck Fox" <fox.chuck@epa.gov>
Cc: "Scott Fulton" <fulton.scott@epa.gov>; Richard Windsor
Subject: Fw: Presidential Memorandum establishing an Interagency Ocean Policy Task Force

FYI

From: "Boots, Michael J." <[REDACTED]>
Sent: 06/12/2009 03:11 PM AST
To: "Boots, Michael J." <[REDACTED]>
Cc: "Sutley, Nancy H." <[REDACTED]>; "Carson, Jonathan K." <[REDACTED]>; "Weiss, Michael I." <[REDACTED]>; "Maher, Jessica A." <[REDACTED]>; "Buffa, Nicole" <[REDACTED]>; "Salzman, Amelia S." <[REDACTED]>; "Glunz, Christine M." <[REDACTED]>; "Hight, Courtney" <[REDACTED]>; "Pearce, Hardy L." <[REDACTED]>
Subject: Presidential Memorandum establishing an Interagency Ocean Policy Task Force

Dear All –

Today President Obama issued a memorandum establishing an Interagency Ocean Policy Task Force. This Task Force is charged with developing recommendations for a national policy for the oceans, our coasts and the Great Lakes, improved policy coordination, and a framework for coastal and marine spatial planning. The President's Memorandum and a Presidential Proclamation for National Oceans Month are attached.

CEQ will convene the first meeting of the Task Force on Monday, June 22, 2009 from 10am-12. The Task Force will be composed of senior-level policy officials represented on the existing Committee on Ocean Policy. This will be at the Deputy level of your respective departments, agencies and offices. Please provide the name of your Task Force representative by close of business, Monday, June 15, 2009.

We will also establish a Working Committee of the Task Force, composed of senior officials who will be your key representatives to support the Task Force. These representatives will need to commit a substantial portion of their time toward this effort over the next six months. They will be the lead and single point of contact and be able to speak for your respective department, agency or office, and be available for weekly Working Committee meetings. By close of business Wednesday, June 17, please provide the name of your representative for the Working Committee. The first meeting of the Working Committee will be Thursday, June 25 at 1-3pm.

We are developing a 6-month schedule and work plan to ensure that we meet the objectives and time frames required in the President's Memorandum. This workplan and agendas for the first Task Force and Working Committee meetings will be sent out next week. We have also have prepared a notebook for each Task Force member with relevant background materials which will be provided at the first Task Force meeting.

If you have any questions, please contact Michael Weiss (Deputy Associate Director for Ocean and Coastal Policy) at [Personal Privacy] in addition, given the interest in this issue on Capitol Hill, please have your legislative affairs lead be in touch with CEQ's Associate Director for Legislative Affairs, Jess Maher [Personal Privacy]

I would like to thank you in advance for your commitment and support of this important effort and look forward to a robust and fruitful six months.

All the best,

Mike

Michael Boots

Associate Director for Land and Water Ecosystems

White House Council on Environmental Quality

730 Jackson Place NW

Washington, DC 20530

Main Line: Personal Privacy

Direct: Personal Privacy

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Arvin Ganesan/OU=DC/O=USEPA/C=US
Sent: Sat 6/13/2009 2:22:32 PM
Subject: Re: Smart growth principles

Great. Thanks.

Sent from my Blackberry Wireless Device

----- Original Message -----

From: Richard Windsor

Sent: 06/13/2009 10:21 AM EDT

To: Arvin Ganesan

Subject: Re: Smart growth principles

I'm good with the principles then.

----- Original Message -----

From: Arvin Ganesan

Sent: 06/13/2009 10:07 AM EDT

To: Richard Windsor

Cc: Bob Sussman

Subject: Re: Smart growth principles

I hear you on the high level of these principles, but the 6 principles are meant to be that broad with the

Deliberative

Deliberative

Sent from my Blackberry Wireless Device

----- Original Message -----

From: Richard Windsor

Sent: 06/12/2009 05:37 PM EDT

To: Arvin Ganesan

Cc: Bob Sussman

Subject: Re: Smart growth principles

Thx Arvin. A few suggestions - The principles seem so high level as to have potentially lost a little oomph. Perhaps

Deliberative

Tx, Lj

----- Original Message -----

From: Arvin Ganesan
Sent: 06/11/2009 06:28 PM EDT
To: Richard Windsor
Cc: Bob Sussman
Subject: Smart growth principles
Hi Lisa,

Attached are two documents on Smart Growth. The first (Principles061009) is the set of Principles that we discussed at the briefing this morning and the second is the Partnership document that underlies the Principles. These documents represent consensus on the staff level of the three agencies. Edits and thoughts would be appreciated as soon as possible.

Thanks and enjoy Texas.

ARVIN R. GANESAN
Deputy Associate Administrator for Congressional Affairs
United States Environmental Protection Agency
Ganesan.Arvin@epa.gov
(p) 202.564.5200
(f) 202.501.1519

[attachment "Principles061009.doc" deleted by Richard Windsor/DC/USEPA/US]
[attachment "Partnership061009.doc" deleted by Richard Windsor/DC/USEPA/US]

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Arvin Ganesan/OU=DC/O=USEPA/C=US
Sent: Sat 6/13/2009 2:07:02 PM
Subject: Re: Smart growth principles

I hear you on the high level of these principles, but the 6 principles are meant to be that broad with the

Deliberative

Deliberative

Sent from my Blackberry Wireless Device

----- Original Message -----

From: Richard Windsor

Sent: 06/12/2009 05:37 PM EDT

To: Arvin Ganesan

Cc: Bob Sussman

Subject: Re: Smart growth principles

Deliberative

Tx, Lj

----- Original Message -----

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Sent: 06/11/2009 06:28 PM EDT

To: Richard Windsor

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Thanks and enjoy Texas.

ARVIN R. GANESAN

Deputy Associate Administrator for Congressional Affairs

United States Environmental Protection Agency

Ganesan.Arvin@epa.gov
(p) 202.564.5200
(f) 202.501.1519

[attachment "Principles061009.doc" deleted by Richard Windsor/DC/USEPA/US]
[attachment "Partnership061009.doc" deleted by Richard Windsor/DC/USEPA/US]

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Scott
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Charles
Imohiosen/OU=DC/O=USEPA/C=US@EPA;CN=Robert
Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Eric
Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Diane
Thompson/OU=DC/O=USEPA/C=US@EPA[]; N=Scott
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Charles
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Thompson/OU=DC/O=USEPA/C=US@EPA[]; N=Eric
Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Diane
Thompson/OU=DC/O=USEPA/C=US@EPA[]; N=Diane
Thompson/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Bob Sussman/OU=DC/O=USEPA/C=US
Sent: Sun 6/14/2009 1:48:49 PM
Subject: Ratification of Toxics Treaties -- EPA Leadership Role

Lisa --- I want to put on your screen the need to launch a legislative effort to secure ratification of three toxic chemical treaties that the US has signed but have not been approved by the Senate.

Two of the treaties -- the 2001 Stockholm Convention on Persistent Organic Pollutants and the 1998 Protocol on POPs adding to the LRTAP Convention on Long-range Transboundary Air Pollution -- ban or severely restrict several POPs of long-standing concern (e.g. PCBs) and create mechanisms to impose international controls on other chemicals shown to be POPs after scientific analysis. Both treaties have come into force after being ratified by numerous countries and implementation is proceeding. Efforts are advancing under both treaties to add new chemicals. The US, however, has no formal role in these efforts because we have not ratified the treaties.

The other treaty is the Rotterdam Convention on Prior Informed Consent. It establishes a process by which exporting countries must notify potential importing countries that they may receive shipments of a small group of banned or severely restricted chemicals. The Convention entered into force in 2004 and currently covers 39 chemicals. Again, the US is not participating in implementation.

Although the Bush Administration nominally supported ratification of these treaties, implementing legislation was mired in controversy, largely because of the Administration's desire to place restrictions on EPA's ability to put in place domestic prohibitions on chemicals designated as POPs through the treaty processes. As a result, detailed and cumbersome implementing legislation was submitted to the Hill that did not receive broad support and became mired in Committee.

Deliberative

Deliberative

Happy to get your feedback and will keep you posted as the process takes shape.

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

To: CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]; N=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Charles Imohiosen/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA[]; N=Charles Imohiosen/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA[]; N=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA[]; N=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Scott Fulton/OU=DC/O=USEPA/C=US
Sent: Sun 6/14/2009 2:44:26 PM
Subject: Re: Ratification of Toxics Treaties -- EPA Leadership Role

Deliberative

----- Original Message -----

From: Bob Sussman

Sent: 06/14/2009 09:48 AM EDT

To: Richard Windsor

Cc: Arvin Ganesan; Scott Fulton; Charles Imohiosen; Robert Goulding; Eric Wachter; Diane Thompson

Subject: Ratification of Toxics Treaties -- EPA Leadership Role

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did not receive broad support and became mired in Committee.

Deliberative

Happy to get your feedback and will keep you posted as the process takes shape.

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

To: "Richard Windsor" [Windsor.Richard@epamail.epa.gov]
Cc: "Diane Thompson" [Thompson.Diane@epamail.epa.gov]
From: CN=Scott Fulton/OU=DC/O=USEPA/C=US
Sent: Sun 6/14/2009 9:55:41 PM
Subject: Oak Creek Title 5 Petition

Hi Lisa - Wanted you to know where this landed. Chatted with Sussman, then did a little additional vetting with a couple of lawyers in OGC whose opinion I value. Based on this review, I authorized the action to go forward as recommended. A few things to note here:

Deliberative

Scott

To: CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]; N=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Charles Imohiosen/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA[]; N=Charles Imohiosen/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA[]; N=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA[]; N=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Scott Fulton/OU=DC/O=USEPA/C=US
Sent: Sun 6/14/2009 3:00:03 PM
Subject: Re: Ratification of Toxics Treaties -- EPA Leadership Role

Deliberative

----- Original Message -----

From: Bob Sussman

Sent: 06/14/2009 09:48 AM EDT

To: Richard Windsor

Cc: Arvin Ganesan; Scott Fulton; Charles Imohiosen; Robert Goulding; Eric Wachter; Diane Thompson

Subject: Ratification of Toxics Treaties -- EPA Leadership Role

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Deliberative

Happy to get your feedback and will keep you posted as the process takes shape.

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

To: CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]; N=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Diane Thompson/OU=DC/O=USEPA/C=US
Sent: Mon 6/15/2009 6:53:01 PM
Subject: Re: Oak Creek Title 5 Petition

Deliberative

----- Original Message -----

From: Scott Fulton
Sent: 06/14/2009 05:55 PM EDT
To: Richard Windsor
Cc: Diane Thompson
Subject: Oak Creek Title 5 Petition

Hi Lisa - Wanted you to know where this landed. Chatted with Sussman, then did a little additional vetting with a couple of lawyers in OGC whose opinion I value. Based on this review, I authorized the action to go forward as recommended. A few things to note here:

Deliberative

Deliberative

Scott

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: "Allyn Brooks-Lasure" [Brooks-lasure.allyn@epa.gov]; Seth Oster"
[Oster.Seth@epamail.epa.gov]; Bob Sussman" [Sussman.bob@epa.gov]; Diane Thompson"
[thompson.diane@epa.gov]
From: CN=Bob Sussman/OU=DC/O=USEPA/C=US
Sent: Mon 6/15/2009 7:56:29 PM
Subject: Re: Fw: E-Clips Weekend Edition

Have set this in motion.

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

From: Richard Windsor/DC/USEPA/US
To: "Diane Thompson" <thompson.diane@epa.gov>, "Bob Sussman" <Sussman.bob@epa.gov>,
"Seth Oster" <Oster.Seth@epamail.epa.gov>, "Allyn Brooks-Lasure" <Brooks-lasure.allyn@epa.gov>
Date: 06/15/2009 12:28 PM
Subject: Fw: E-Clips Weekend Edition

I would like a one page fact sheet on the WV mercury SWQS. (Confidentially, I do not like the EPA quote and its vague implication that there is political pressure on EPA to approve an inadequate WQS.). Tx, Lj

----- Original Message -----

From: OPA Multimedia E-Clips
Sent: 06/15/2009 11:58 AM EDT
To: E-Clips Distribution; E-Clips Distribution 1; E-Clips Distribution 2; E-Clips Distribution 3; E-Clips R6
Subject: E-Clips Weekend Edition

Good Morning: Here is your daily national news E-Clips document. This is a service provided by HQs Office of Public Affairs. Please note that the table of contents is hyperlinked. This means you may with one click or a combination of holding down the control key and a click on any article listed in the table of content to be taken to that article.

E-Clips contain copyrighted materials and are made available to designated recipients. Neither the E-Clips nor any individual article within may be further distributed.

[attachment "E-Clips - Weekend Edition - June 13, 2009 & June 14, 2009.doc" deleted by Bob Sussman/DC/USEPA/US]

To: "Richard Windsor" [Windsor.Richard@epamail.epa.gov]
From: CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US
Sent: Wed 6/17/2009 7:12:04 PM
Subject: Portland cement plants

Gina and I spoke about the following yesterday. We're in agreement and ready to roll as long as it's ok with you.

Deliberative

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What do you think?

This question is apart from the question of what to do about power plants, which we discussed yesterday. I have an idea there, but don't want to bring it to you until I've thought about it a little more.

Thanks.

To: "Windsor, Richard" [Windsor.richard@epa.gov]; Thompson, Diane" [thompson.diane@epa.gov]
Cc: "Oster, Seth" [oster.seth@epa.gov]
From: CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US
Sent: Tue 6/16/2009 7:36:15 PM
Subject: Fw: TPs: Coburn ARRA Report

MABL.

M. Allyn Brooks-LaSure
Office of the Administrator
U.S. Environmental Protection Agency
Cell Personal Privacy

From: "Lehrich, Matthew A." Personal Privacy
Sent: 06/16/2009 03:24 PM AST
To: "Lehrich, Matthew A." Personal Privacy
Subject: TPs: Coburn ARRA Report

Talking Points: Coburn ARRA Report

As of today, more than 20,000 Recovery Act projects have been approved. The program is working well to create jobs and spur economic growth in our country.

As with any program this size, there will be mistakes. When we find them, we correct them quickly.

We welcome any genuine effort to find unwise projects and halt them. We recently worked with Sen. Pat Roberts (R-KS) on stopping an ill-advised project, and he said,

· "I want to personally thank Vice President Biden, the man charged with overseeing all of the stimulus spending, for taking action to correct this abuse after I contacted him. And I really want to thank the Vice President, because the White House moved and the Vice President moved in an expeditious fashion that I quite frankly didn't expect that they could move that fast. But they got the job done."

But Sen. Coburn's report does not appear to be such an effort – instead, it appears to be a hastily assembled collection of often out-of-date news clippings loaded with inaccuracies.

Several of the projects cited by Sen. Coburn have never been approved and never will be approved. Others are projects that were already stopped. Still others are projects that are not Recovery Act projects at all. Some are just outright errors. Examples include:

- Project 7 (Guardrail): This project was stopped last week – a fact that Sen. Coburn should have known, since his spokesperson was quoted in a piece hailing the decision.
- Projects 30, 71, 100: These projects were rejected – some of them as long ago as March – or just aren't Recovery Act projects at all. None were ever approved for Recovery Act funding.
- Projects 37 and 96 (Skate Parks): These projects will be rejected once the applications are reviewed
- Projects 84 (Officials Fighting) and 87 (Dishwasher): The statements in the report are flatly wrong. Project 87, for example, is funding meals for the elderly, not a dishwasher.

Other projects criticized in the report are needed and advisable – and Sen. Coburn's attack on them seems poorly directed:

- Project 18 (Kalamazoo Bridge) is a widely acclaimed project that even FOX NEWS called one of the "best" in the country
- Project 27 (IU Study) is a study aimed at helping children who have hearing impairments and learning disabilities
- Project 33 (Air Base Renovations) is an under-budget project to provide needed showers for servicewomen at an Air Base
- Project 89 (San Diego Airport) will improve safety at San Diego airport
- Project 98 (La Plata Path) will create jobs by building a safe path to school for children who now traverse a road

There may be some projects in Sen. Coburn's report that need a second look – and we will look at all of them. But we think the success of the Recovery Act's 20,000 approved projects is clear – and an error-laden attack on them is merely an effort to rehash the debate over whether the Recovery Act was needed or not.

As one state official in Sen. Coburn's own state has noted, "We have people working today who would not have jobs if the stimulus package hadn't passed."

Local officials on the ground – many of them Republicans – also refute Coburn's report. Among their comments:

- Mayor Tom Henry – D, City of Fort Wayne, Indiana:

"For Senator Coburn to attack a project that is specifically and exclusively designed for the safety of the passengers, flight crews and ground crews at Fort Wayne International Airport is extremely disappointing. The junior senator from Oklahoma has a long history as a fiscal conservative, but spending money to jumpstart the faltering economy on necessary infrastructure improvements is not pork, it is needed jobs and investment, plus for this project, enhanced safety for Fort Wayne residents and visitors to our city who rely on this airport. This project is already under contract so Senator Coburn's opposition is simply political posturing, not real action to reduce spending."

- Mayor Andy McKenzie – R, City of Wheeling, West Virginia:

"The City of Wheeling would like to acknowledge the efforts of both President Obama and Vice-President Biden in developing a recovery effort that provides economic and development opportunities for cities across America. Wheeling City Council by a unanimous vote authorized CDBG –R investment into the Capitol Theatre project to stimulate economic growth, job creation and downtown revitalization. This eligible shovel ready project will create 5.6 million dollars in direct spending in our community and more than 60 new jobs. We are disappointed; Senator Coburn appears to be off the mark. We invite him to come to Wheeling and visit this project that will be a catalyst for future investments in our community."

- Mayor Mark Brown – R, Town of Summerfield, North Carolina:

"For several years, local government has been grappling with how to improve the safety at the Summerfield Rail Trail. Without sufficient parking so close to the start of the trail, this trailhead is a dangerous traffic accident waiting to happen. This Recovery funding will put people to work and expand the number of safe, parking spaces available. I've been someone who has been screaming about the pork jobs, but this is a real safety issue that our town is dealing with – Senator Coburn is wrong to call this a pork project; this is a safety project."

Mayor Carlos Alvarez - Republican, County of Miami-Dade and Mayor Manny Diaz – Independent, City of Miami:

"The Miami Intermodal Center will link bus, train, rental car, Metrorail and an automated people mover to Miami International Airport. It means more tourism, business travel and trade, as well as more options for residents who rely on public transportation," said Mayor Alvarez. "Transportation infrastructure is the backbone of our economy and will create thousands of jobs in the future."

"It will improve our energy independence and reduce our carbon footprint and greenhouse gas emissions by reducing the number of vehicle miles traveled", said Mayor Diaz. "It is unacceptable for Senator Tom Coburn to not support this project, which will advance our public transportation system and stimulate our economy."

- Mayor John Marchione – Non-partisan, City of Redmond, Washington:

"The 36th Street Bridge project is a vital transportation investment needed to improve mobility and circulation for an area that is home to over 44,000 jobs and represents the second largest employment center in King County after downtown Seattle. It was the region's consensus top priority after a rigorous competitive review, and we were pleased to receive stimulus funding for this important jobs corridor. As Senator Coburn was advised over a month ago, Redmond has since returned \$6.4 million of the \$11 million stimulus grant due to the current favorable bid climate and strong project cost management."

· Mayor Jerry Sanders – R, City of San Diego, California:

“These lights and signage will improve safety at Lindbergh Field by reducing the likelihood of accidents on the tarmac. Contrary to Mr. Coburn’s belief, this project is, in fact, an appropriate use of stimulus funds as it will put nearly 100 people to work during the installation process.”

Priorities for EPA Engagement with Indonesia

1. Improving Air Quality and Climate Change in Indonesia

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Note: All items above will require additional resources (project funding, travel funding, FTE). The items marked with * are the only activities where we have at least seed funds or are engaged in a broader regional effort including Indonesian partners. These efforts would also require additional funding in order for us to focus more directly on bilateral cooperation with Indonesia.

To: "Richard Windsor" [Windsor.Richard@epamail.epa.gov]
From: CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US
Sent: Thur 6/18/2009 1:25:34 AM
Subject: More re: Portland cement

I hope this was clear from my earlier email, but just in case it wasn't:

Deliberative

Deliberative

I hope you had a good day. The Libby thing is a big deal, and offers some justice, it seems to me. For what it's worth.

ADMINISTRATOR'S BRIEFING
Wednesday, June 17, 2009

US AMBASSADOR TO INDONESIA CAMERON HUME

Duration: 45 minutes

1. **Attendees.** Participants will include Ambassador Cameron Hume, who has served in his role since August 2007. He will be joined by his incoming Deputy Chief of Mission Ted Osius, as well as DOS Indonesia Desk Officer Debra Benavidez. From EPA, OIA (Michael Stahl, Mark Kasman, Katherine Buckley, and Rakhi Kasat) and OAR (Gina McCarthy, Beth Craig, and Sarah Sowell) will be represented, as well as Acting Deputy Administrator Fulton.
2. **Prior History.** Although you have not met with Ambassador Hume previously, EPA staff did meet with him this past April in Jakarta. In addition, Acting Deputy Administrator Fulton met with Indonesia's Minister of Environment Rachmat Witoelar and Indonesian Ambassador to the US Sudjudnan Parnohadiningrat in April in Washington, DC.
3. **Purpose of Meeting/Agenda.** The main purpose of this meeting is to encourage and discuss the potential areas of EPA engagement in Indonesia, which Ambassador Hume has termed an environmental "superpower." In addition, the Ambassador may brief you on the emerging DOS-led Comprehensive Partnership between the US and Indonesia. The Ambassador may also request that EPA send an expert to Indonesia to advise and support the National Committee for Climate Change in implementing Indonesia's national climate change plan. He may also raise potential visits by President Obama and you to Indonesia.
4. **Additional meetings with U.S. Government.** The Ambassador is in town participating in the Association of Southeast Asian Nations (ASEAN) US Ambassadors Tour, a country-wide tour by our envoys to that region to raise awareness regarding opportunities where US entities can more actively engage in the region.
5. **Positions on Key Issues.**

Deliberative

Deliberative

Deliberative

6. **Talking Points/Message**

Deliberative

Deliberative

EPA Staff Contact: Mark Kasman, OIA, 202-564-2024

Katherine Buckley, OIA, 202-564-6426

To: "Richard Windsor" [Windsor.Richard@epamail.epa.gov]
Cc: "Diane Thompson" [Thompson.Diane@epamail.epa.gov]
From: CN=Scott Fulton/OU=DC/O=USEPA/C=US
Sent: Wed 6/17/2009 11:23:10 AM
Subject: Fw: Briefing Materials for LPJ Meeting with Ambassador Cameron Hume (Fulton Attention Requested)
[Hume LPJ briefing paper 061509 final 445pm.doc](#)
[Draft Indonesia Program Priorities 6-15-09 final.doc](#)

Howdy and good morning (Yawn) - I will still be out at the COOP when you meet with the Indonesian Ambassador. If you have a chance, you may want to scan the note from Mark Kasman below before the meeting.

Generally, we see Indonesia as a priority country and want to assume a supportive stance in terms of helping build their capacity for environmental protection.

Deliberative

Deliberative

What's your estimated TOA this morning?
Cheers, Scott

----- Original Message -----

From: Mark Kasman
Sent: 06/15/2009 05:09 PM EDT
To: Scott Fulton
Cc: Carla Veney; Wyatt Rockefeller; Michael Stahl; Neilima Senjalia; Katherine Buckley; Rakhi Kasat; Gary Waxmonsky
Subject: Briefing Materials for LPJ Meeting with Ambassador Cameron Hume (Fulton Attention Requested)
Hi Scott,

Attached for your information are the briefing materials that we provided to Administrator Jackson for her meeting on Wednesday with US Ambassador to Indonesia Cameron Hume. As we will not have an opportunity for a pre-brief, we would like to raise a few subtleties to your attention. These may merit some discussion with the Administrator in advance of the meeting.

Deliberative

Deliberative

Feel free to contact us if we may provide you with any additional information.

Best regards, Mark

Mark S. Kasman
Senior Advisor, Asia-Pacific
Office of International Affairs (2650R)
U.S. Environmental Protection Agency
1300 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
TEL: 1-202-564-2024
FAX: 1-202-565-2411

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[];
N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]; N=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Bob Sussman/OU=DC/O=USEPA/C=US
Sent: Fri 6/19/2009 4:37:43 PM
Subject: Fw: California's application for a No Discharge Zone (CWA)

Per Laura's e-mail, I gave OW and R9 the green light to go ahead with rulemaking granting California's petition to designate California coastal waters as a no sewage discharge zone under the Clean Water Act. The no discharge zone would apply to cruise ships and large ocean-going vessels with adequate holding capacity but would not apply to recreational vessels. There is strong support for the petition by the State, enviros and the Congressional delegation. The petition had been languishing under the last Administration and EPA is under pressure to take action.

Deliberative

I am happy to get you more information if you have any questions or concerns.

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency
----- Forwarded by Bob Sussman/DC/USEPA/US on 06/19/2009 12:13 PM -----

From: Laura Yoshii/R9/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA
Cc: Charles Imohiosen/DC/USEPA/US@EPA, Mike Shapiro, Suzanne Schwartz/DC/USEPA/US@EPA, David Redford/DC/USEPA/US@EPA, Pat Hirsch/DC/USEPA/US@EPA, Kevin Minoli/DC/USEPA/US@EPA, Dawn Messier/DC/USEPA/US@EPA
Date: 06/18/2009 09:03 PM
Subject: California's application for a No Discharge Zone (CWA)

To: Bob Sussman
Senior Policy Counsel, OA

From: Laura Yoshii
Acting Regional Administrator, Region 9

Re: California's application for a No Discharge Zone (CWA)

I'm glad we could meet last week with you, OW and OGC to discuss California's application for a Clean Water Act-based No Discharge Zone (NDZ). I thought it prudent to summarize where we are and recap our next steps, to ensure close coordination with all participating offices, and to facilitate any discussions you may have with the Administrator.

Based upon a 2005 California law, the State Water Resources Control Board asked EPA to designate California waters as a No Discharge Zone (NDZ) for sewage from cruise ships and ocean-going vessels over 300 tons with adequate holding capacity. The State, local environmental groups, and California delegation all strongly support establishment of such an NDZ, as it would offer additional water quality protection to the California coast. There are some legal vulnerabilities associated with granting this partial NDZ. All 73 existing NDZ's prohibit all sewage from all vessels; however, the California request applies to only a subset of all vessels.

Deliberative

Please let me know if any additional information would be helpful as we move forward. I very much appreciate the support and advice you've given us.

cc: Charles Imohiosen, OA
Mike Shapiro, Suzanne Schwartz, David Redford, OW
Pat Hirsh, Kevin Minoli, Dawn Messier, OGC

Laura Kimi Yoshii
Acting Regional Administrator
USEPA, Region 9
Pacific Southwest
75 Hawthorne Street
San Francisco, CA 94105
Phone: (415) 947-8702
Fax: (415) 947-3588
e-mail: yoshii.laura@epa.gov

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Diane Thompson/OU=DC/O=USEPA/C=US
Sent: Fri 6/19/2009 5:50:03 PM
Subject: eric and aaron

Thought you might want to see the following before it goes:

I am pleased to announce the appointment of Eric E. Wachter to the position of Director, Office of Executive Secretariat. In this position, Eric will manage the executive correspondence process and the Agency's Correspondence Management System and will oversee FOIA processing throughout AO. In addition to his new assignment, Eric will continue to be an integral part of my advance function within the Immediate Office and will oversee the Advance Office.

Eric brings to the position impressive organizational and administrative skills having served here at EPA as my Confidential Assistant and before that as Special Assistant to me in my role as the Commissioner of the New Jersey Department of Environmental Protection. He started at NJDEP as Project Manager in the Office of Communications and Legislative Affairs, writing and editing a range of materials including articles, brochures and briefing packets. In his role as Project Manager he also served as communications liaison with the NJDEP Division of Air Quality. Eric's experience also includes communications positions with the University of Notre Dame Sports Information Office. Eric has a Bachelor of Arts in Political Science and a Master of Science in Non-Profit Administration from the University of Notre Dame.

With Eric's acceptance of new duties, I have asked Aaron Dickerson of my Immediate Office staff to serve in the Confidential Assistant role. In this capacity, Aaron will coordinate my daily activities, manage the paper flow through and daily meetings in my office, serve as the point of contact for receiving time sensitive requests for meetings or contact with me, and otherwise support the effective operation of the immediate office.

My thanks go to Brian Hope for his service as the Acting Director for OEX as he returns to his Deputy Director duties.

Diane E. Thompson
Chief of Staff
U. S. Environmental Protection Agency
202-564-6999

To: CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Bob Sussman/OU=DC/O=USEPA/C=US
Sent: Fri 6/19/2009 10:07:34 PM
Subject: Fw: June 24 South Florida ecosystem Restoration Task Force

Diane -- we got this invitation from DOI. Who do you think should attend from the political level? This would be a natural for Pete but he's not here yet. I'm not sure I can personally spare 4 hours but we should have a political person there, at least part of the time. Maybe Chuck Fox. What do you think?

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency
----- Forwarded by Bob Sussman/DC/USEPA/US on 06/19/2009 06:04 PM -----

From: Melissa_Koenigsberg@ios.doi.gov
To: Bob Sussman/DC/USEPA/US@EPA
Cc: Greg May <gmay@sfrestore.org>, Donald_Jodrey@ios.doi.gov
Date: 06/18/2009 07:10 PM
Subject: June 24 South Florida ecosystem Restoration Task Force

Bob,

Thank you for taking the time to speak with me today regarding the South Florida Ecosystem Restoration Task Force (Task Force) meeting, which is Wednesday, June 24 at 1:00 PM at the U.S. Department of Interior, 1849 C Street NW, Yates Auditorium, Washington, DC. The meeting should last until about 5:00 PM, and there will be a reception following. The agenda, background materials, relevant statutory language and Task Force charter will be forthcoming.

Congress established the Task Force in 1996 for the purpose of coordinating the restoration of the Everglades. In addition to the Environmental Protection Agency, there are five other Federal representatives; two State of Florida representatives; one representative from the South Florida Water Management District; one representative each from the Miccosukee and Seminole Indian Tribes; and two local government representatives. The Task Force facilitates intergovernmental collaboration and public input for the many projects now underway to achieve a restored Everglades.

Secretary Salazar has designated Tom Strickland, Assistant Secretary for Fish and Wildlife and Parks, as Task Force Chair. Along with Tom, the Secretary will chair the first Task Force meeting of the Obama Administration. We hope Administrator Jackson will consider participating or designating a policy-level representative that will represent EPA. Among its duties, the Task Force is charged with: (1) coordinating the development of consistent policies, strategies, plans and projects for the restoration of the Everglades; (ii) facilitating the resolution of interagency and intergovernmental conflicts; and (iii) coordinating scientific research.

President Obama made a strong commitment to Everglades restoration during his campaign. Additionally, the Administration allocated significant funding in the American Recovery and Reinvestment Act of 2009, as well as the President's Budget for FY 2010 for the purpose of advancing ongoing Everglades restoration work. With one-half of the remaining natural Everglades under Federal stewardship, Everglades restoration is a high priority. The Secretary recently returned from visiting this

world class natural resource with Senator Bill Nelson and I can assure you that this is one of the leading landscape level restoration efforts underway.

I look forward to hearing from you as to who will represent you on the Task Force and I appreciate the work of your agency in achieving a restored Everglades.

Sincerely,

Melissa Koenigsberg
Chief of Staff
Office of the Assistant Secretary for Fish & Wildlife & Parks
U.S. Department of the Interior
202-208-5914
Melissa_Koenigsberg@ios.doi.gov

<<draft TF Agenda 24 June 6-16-09 (2).doc>> Melissa this is the latest version of the June 24 Task Force meeting agenda. Greg

To: "Richard Windsor" [Windsor.Richard@epamail.epa.gov]
From: CN=Diane Thompson/OU=DC/O=USEPA/C=US
Sent: Sat 6/20/2009 4:13:29 PM
Subject: Fw: Sorry I Missed Your Call

Fyi

----- Original Message -----

From: Laura Yoshii

Sent: 06/20/2009 11:52 AM EDT

To: Diane Thompson

Subject: Re: Sorry I Missed Your Call

Diane,

Deliberative

Flights departing....

Thanks, Diane. ---Laura

Sent by EPA Wireless E-Mail Services

----- Original Message -----

From: Diane Thompson

Sent: 06/20/2009 10:15 AM EDT

To: Laura Yoshii

Subject: Re: Sorry I Missed Your Call

Deliberative

----- Original Message -----

From: Laura Yoshii

Sent: 06/19/2009 08:38 PM EDT

To: Diane Thompson

Subject: Sorry I Missed Your Call

Hi Diane,

Sorry I missed your call. I'll be headed to the outer Pacific Islands tomorrow for our annual Environmental conference

But should have Blackberry and cell phone

Access. Given time differences it may be best to communicate via e-mail if that's appropriate. Otherwise, I can give you a call. Abi indicated it was not urgent.

If there is any immediate assistance you do need from Region 9, Acting Deputy Regional Administrator Jane Diamond or Chief of Staff

Bill Glenn will be happy to help.
Look forward to connecting. ---Laura

Sent by EPA Wireless E-Mail Services

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US
Sent: Mon 6/22/2009 6:39:34 PM
Subject: Portland Cement plants

CONFIDENTIAL MEMORANDUM

TO: Lisa Jackson
FROM: Lisa Heinzerling
DATE: June 22, 2009
SUBJECT: Portland Cement plants and GHGs

Deliberative

Deliberative

Please let me know your thoughts. Thank you.

To: CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Bob Sussman/OU=DC/O=USEPA/C=US
Sent: Fri 6/19/2009 10:25:27 PM
Subject: Re: June 24 South Florida ecosystem Restoration Task Force

Looping her in for reaction . . .

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

From: Diane Thompson/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA
Date: 06/19/2009 06:20 PM
Subject: Re: June 24 South Florida ecosystem Restoration Task Force

Deliberative

I would suggest Sarah Pallone (w backup from OW program person) as a placeholder for Pete. Sarah is the head of intergovernmental. We shld vet that w/Lisa.
DT

----- Original Message -----

From: Bob Sussman
Sent: 06/19/2009 06:07 PM EDT
To: Diane Thompson
Cc: Richard Windsor
Subject: Fw: June 24 South Florida ecosystem Restoration Task Force

Diane -- we got this invitation from DOI. Who do you think should attend from the political level? This would be a natural for Pete but he's not here yet. I'm not sure I can personally spare 4 hours but we should have a political person there, at least part of the time. Maybe Chuck Fox. What do you think?

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

----- Forwarded by Bob Sussman/DC/USEPA/US on 06/19/2009 06:04 PM -----

From: Melissa_Koenigsberg@ios.doi.gov
To: Bob Sussman/DC/USEPA/US@EPA
Cc: Greg May <gmay@sfrestore.org>, Donald_Jodrey@ios.doi.gov
Date: 06/18/2009 07:10 PM
Subject: June 24 South Florida ecosystem Restoration Task Force

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I look forward to hearing from you as to who will represent you on the Task Force and I appreciate the work of your agency in achieving a restored Everglades.

Sincerely,

Melissa Koenigsberg
Chief of Staff
Office of the Assistant Secretary for Fish & Wildlife & Parks
U.S. Department of the Interior
202-208-5914
Melissa_Koenigsberg@ios.doi.gov

<<draft TF Agenda 24 June 6-16-09 (2).doc>> Melissa this is the latest version of the June 24 Task Force meeting agenda. Greg

To: "Richard Windsor" [Windsor.Richard@epamail.epa.gov]
From: CN=Megan Cryan/OU=DC/O=USEPA/C=US
Sent: Mon 6/22/2009 6:42:22 PM
Subject: Fw: Hey there

Fyi - pretty sure we charmed him.

From: "Messina, James A."
Sent: 06/22/2009 01:34 PM AST
To: Megan Cryan
Subject: Hey there

Personal Privacy

A belated note of thanks for all your work to help the people of Libby Montana. Team Baucus sings your praises. I literally worked on that issue for years before leaving Baucus. Those people deserve what they finally, belatedly, got and I am proud of this government for helping them.

Despite your poor drinking ability, drinks with Lisa were totally fun. My 7:00 am flight to NYC the next day, not so much. But you and Lisa gave me some helpful NJ political wisdom and for that I owe you both. Stay in touch,

Messina

Jim Messina

Deputy Chief of Staff

THE WHITE HOUSE

Personal Privacy

To: "Lisa Jackson" [windsor.richard@epa.gov]
From: CN=Eric Wachter/OU=DC/O=USEPA/C=US
Sent: Mon 6/22/2009 9:50:43 PM
Subject: Fwd: follow-up on call

Message Information

Date 06/19/2009 05:29

From Lawrence Elworth/DC/USEPA/US

To jackson.lisap@epa.gov

Subject follow-up

Your point is well - taken - I will continue to check in with our attorneys on process to make sure we stay in the center of the road - their indications have been that we (I) have done so in this case . I didn't mention this in the larger meeting but I have no sense that USDA believes it is necessary to expend any political capital on this issue and they have appreciated our openness with them. Please let me know if you have any further concerns or questions. Have a good weekend, LarryLawrence ElworthAgricultural Counselor to the AdministratorU. S. Environmental Protection Agency2415 Ariel Rios North202 564-1530

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Diane Thompson/OU=DC/O=USEPA/C=US
Sent: Tue 6/23/2009 12:35:26 PM
Subject: Re: PM version of FEMA_EPA letter

Deliberative

Diane E. Thompson
Chief of Staff
U. S. Environmental Protection Agency
202-564-6999

From: Richard Windsor/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA
Cc: Diane Thompson/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA
Date: 06/22/2009 07:35 PM
Subject: Re: PM version of FEMA_EPA letter

All,

Deliberative

----- Original Message -----

From: Bob Sussman
Sent: 06/22/2009 07:02 PM EDT
To: Richard Windsor
Cc: Diane Thompson; Allyn Brooks-LaSure; Arvin Ganesan; Mathy Stanislaus; Scott Fulton
Subject: Fw: PM version of FEMA_EPA letter

Deliberative

Deliberative

Let us know what you think.

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency
----- Forwarded by Bob Sussman/DC/USEPA/US on 06/22/2009 06:46 PM -----

From: Mathy Stanislaus/DC/USEPA/US
To: "Sussman Bob" <sussman.bob@epa.gov>, Arvin Ganesan/DC/USEPA/US@EPA
Cc: Diane Thompson/DC/USEPA/US@EPA
Date: 06/22/2009 05:11 PM
Subject: Fw: PM version of FEMA_EPA letter

Deliberative

----- Original Message -----

From: Matt Straus
Sent: 06/22/2009 05:05 PM EDT
To: Mathy Stanislaus; breen.barry@epa.gov; Randy Deitz
Cc: Ellyn Fine; Jennifer Wilbur
Subject: Fw: PM version of FEMA_EPA letter

Deliberative

----- Forwarded by Matt Straus/DC/USEPA/US on 06/22/2009 04:55 PM -----

From: Matt Straus/DC/USEPA/US
To: "Wright, Roy" <Roy.E.Wright@dhs.gov>
Date: 06/22/2009 02:44 PM
Subject: RE: PM version of FEMA_EPA letter

Roy, any word???

From: "Wright, Roy" <Roy.E.Wright@dhs.gov>
To: Matt Straus/DC/USEPA/US@EPA
Date: 06/22/2009 12:01 PM
Subject: RE: PM version of FEMA_EPA letter

I will get back to you shortly.

~Roy

-----Original Message-----

From: Straus.Matt@epamail.epa.gov [mailto:Straus.Matt@epamail.epa.gov]
Sent: Monday, June 22, 2009 10:52 AM
To: Wright, Roy
Subject: RE: PM version of FEMA_EPA letter

Deliberative

|----->
| From: |
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| "Wright, Roy" <Roy.E.Wright@dhs.gov>
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| To: |
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| Matt Straus/DC/USEPA/US@EPA
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|06/22/2009 10:13 AM
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| Subject: |
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|RE: PM version of FEMA_EPA letter
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Matt, a little sense of my past week here.

~Roy

-----Original Message-----

From: Straus.Matt@epamail.epa.gov [mailto:Straus.Matt@epamail.epa.gov]
Sent: Monday, June 22, 2009 9:23 AM
To: Wright, Roy
Cc: Ingram, Deborah; Fine.Ellyn@epamail.epa.gov;
Deitz.Randy@epamail.epa.gov
Subject: Re: PM version of FEMA_EPA letter

(See attached file: FEMAresponseltr.doc) Roy, we have a few tweaks we would like for you to make to the letter. Can you please get back to me by about 11:30 am this morning if these are OK with you. Mathy Stanislaus will be going into a Senior Staff meeting at 1 pm and I will need to let him know before than whether you can agree with these few changes. Thanx for everything.

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| From: |
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| "Wright, Roy" <Roy.E.Wright@dhs.gov>
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| To: |
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| Matt Straus/DC/USEPA/US@EPA
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| Cc: |
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| "Ingram, Deborah" <deborah.ingram@dhs.gov>, Ellyn
Fine/DC/USEPA/US@EPA, Randy Deitz/DC/USEPA/US@EPA
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| 06/19/2009 03:18 PM
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| Subject: |
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| PM version of FEMA_EPA letter
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EPA:

Here is the version that seeks to reconcile the issues from EPA, USACE, and DHS-NPPD.

I'm willing to facilitate a conference call with the principals this afternoon if we need to discuss further.

Roy Wright
Deputy Director | Risk Analysis Division | Mitigation Directorate |
Federal Emergency Management Agency | 202.646.3461

-----Original Message-----

From: Straus.Matt@epamail.epa.gov [mailto:Straus.Matt@epamail.epa.gov]
Sent: Friday, June 19, 2009 11:41 AM
To: Wright, Roy
Cc: Ingram, Deborah; Fine.Ellyn@epamail.epa.gov;
Deitz.Randy@epamail.epa.gov
Subject: Re: Conference Call Today at 4 pm

Roy, I am having trouble getting stuff through to you, but can you please consider the following additional edit to the letter.

Deliberative

I hope its not to late for you to consider this additional edit.
Thanx.

|----->
| From: |
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| "Wright, Roy" <Roy.E.Wright@dhs.gov>
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| To: |
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| Matt Straus/DC/USEPA/US@EPA
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| Cc: |
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| "Ingram, Deborah" <deborah.ingram@dhs.gov>, Ellyn
Fine/DC/USEPA/US@EPA, Randy Deitz/DC/USEPA/US@EPA
|

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|----->
| Date: |
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| 06/19/2009 10:51 AM
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| Subject: |
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| Re: Conference Call Today at 4 pm
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We are, indeed, including your suggested edits.

Roy E. Wright

Deputy Director | Risk Analysis Division | Mitigation Directorate |
Federal Emergency Management Agency | 202.646.3461

----- Original Message -----

From: Straus.Matt@epamail.epa.gov <Straus.Matt@epamail.epa.gov>
To: Wright, Roy <Roy.E.Wright@dhs.gov>
Cc: Ingram, Deborah <deborah.ingram@dhs.gov>; Fine.Ellyn@epamail.epa.gov
<Fine.Ellyn@epamail.epa.gov>; Deitz.Randy@epamail.epa.gov
<Deitz.Randy@epamail.epa.gov>
Sent: Fri Jun 19 08:16:26 2009
Subject: RE: Conference Call Today at 4 pm

Roy, I presume in your editing, you are also considering the suggested
edits we sent you the other day.

|----->
| From: |
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| "Wright, Roy" <Roy.E.Wright@dhs.gov>
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| To: |
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| Matt Straus/DC/USEPA/US@EPA
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| Cc: |
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| "Ingram, Deborah" <deborah.ingram@dhs.gov>, Ellyn
Fine/DC/USEPA/US@EPA, Randy Deitz/DC/USEPA/US@EPA
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| Date: |
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|06/19/2009 08:06 AM
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| Subject: |
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|RE: Conference Call Today at 4 pm
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Matt,

We received a version back from Counsel last night that still requires a fair bit of editing. I will share a revised version back with you later this morning.

Again, sorry for the delays on our end.

We're also reviewing the Boxer letters from the principals.

~Roy

-----Original Message-----

From: Straus.Matt@epamail.epa.gov [mailto:Straus.Matt@epamail.epa.gov]
Sent: Thursday, June 18, 2009 6:21 PM
To: Wright, Roy
Cc: Ingram, Deborah; Fine.Ellyn@epamail.epa.gov;
Deitz.Randy@epamail.epa.gov
Subject: Re: Conference Call Today at 4 pm

Any new? We want to get the response out to Sen. Boxer tomorrow and need the letter from Deborah before that goes out. If you could let me

know where things stand, that would be great. Thanx.

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| From:   |
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| "Wright, Roy" <Roy.E.Wright@dhs.gov>
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| To:     |
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| Matt Straus/DC/USEPA/US@EPA, "Ingram, Deborah"
| <deborah.ingram@dhs.gov>
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| Ellyn Fine/DC/USEPA/US@EPA
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| 06/17/2009 01:28 PM
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| Re: Conference Call Today at 4 pm
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We are awaiting edits from DHS and FEMA General Counsel. Once we have those, we will share them. I apologize for the delay on our end.

We look forward to seeing the draft of the response from the principals and the fact sheet.

Roy E. Wright

Deputy Director | Risk Analysis Division | Mitigation Directorate |
Federal Emergency Management Agency | 202.646.3461

----- Original Message -----

From: Straus.Matt@epamail.epa.gov <Straus.Matt@epamail.epa.gov>
To: Ingram, Deborah <deborah.ingram@dhs.gov>
Cc: Fine.Ellyn@epamail.epa.gov <Fine.Ellyn@epamail.epa.gov>; Wright, Roy <Roy.E.Wright@dhs.gov>
Sent: Wed Jun 17 13:26:01 2009
Subject: RE: Conference Call Today at 4 pm

Wanted to just touch base to see when we are likely to hear back from you on the suggested edits we sent you on your letter yesterday evening. Also, on the letter to Senator Boxer, we have a draft and expect to circulate it through the Congressional Affairs offices hopefully this afternoon. Also, we discussed preparing a Fact Sheet that we thought it important for you to review. We also hope to send that over this afternoon, also probably through the Congressional Affairs office. Please email or call me (202-566-0178) if you have any questions. Thanx.

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| From: |
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| "Ingram, Deborah" <deborah.ingram@dhs.gov>
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| To: |

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| Matt Straus/DC/USEPA/US@EPA

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| Ellyn Fine/DC/USEPA/US@EPA, "Wright, Roy" <Roy.E.Wright@dhs.gov>

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| 06/16/2009 12:45 PM

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| RE: Conference Call Today at 4 pm

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Thanks. On my end, I'll likely have Roy Wright, Deputy Director, Risk Reduction Division/Mitigation.

We will talk to you at 4:00.

Deb Ingram
Acting Deputy Assistant Administrator
Mitigation Directorate
FEMA/DHS
202-646-2856

-----Original Message-----

From: Straus.Matt@epamail.epa.gov [mailto:Straus.Matt@epamail.epa.gov]
Sent: Tuesday, June 16, 2009 12:38 PM
To: Ingram, Deborah
Cc: Fine.Ellyn@epamail.epa.gov
Subject: Conference Call Today at 4 pm

Per our discussion, the Conference call on the letter that you plan to send to EPA will be with Mathy Stanislaus, Assistant Administrator for the Office of Solid Waste and Emergency Response, Barry Breen, the Deputy Assistant Administrator for the Office of Solid Waste and Emergency Response, Matt Straus, Advisor and Matt Hale, Director of the Office of Resource Conservation and Recovery or Betsy Devlin, Deputy Director of the Materials Recovery and Waste Management Division. The call in number is [Personal Privacy] access code [Personal Privacy] Please email me or call me (202-566-0178) if you have questions. Thanx.

[attachment "Dam Safety Response to EPA re Coal Ash Dams 061909 pm.doc" deleted by Matt Straus/DC/USEPA/US]

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Bob Sussman/OU=DC/O=USEPA/C=US
Sent: Mon 6/22/2009 11:44:14 PM
Subject: Re: PM version of FEMA_EPA letter

Sorry. We should have told you before.

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

From: Richard Windsor/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA
Cc: Diane Thompson/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA
Date: 06/22/2009 07:35 PM
Subject: Re: PM version of FEMA_EPA letter

All,

Deliberative

----- Original Message -----

From: Bob Sussman
Sent: 06/22/2009 07:02 PM EDT
To: Richard Windsor
Cc: Diane Thompson; Allyn Brooks-LaSure; Arvin Ganesan; Mathy Stanislaus; Scott Fulton
Subject: Fw: PM version of FEMA_EPA letter

Deliberative

Deliberative

Let us know what you think.

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency
----- Forwarded by Bob Sussman/DC/USEPA/US on 06/22/2009 06:46 PM -----

From: Mathy Stanislaus/DC/USEPA/US
To: "Sussman Bob" <sussman.bob@epa.gov>, Arvin Ganesan/DC/USEPA/US@EPA
Cc: Diane Thompson/DC/USEPA/US@EPA
Date: 06/22/2009 05:11 PM
Subject: Fw: PM version of FEMA_EPA letter

Deliberative

----- Original Message -----

From: Matt Straus
Sent: 06/22/2009 05:05 PM EDT
To: Mathy Stanislaus; breen.barry@epa.gov; Randy Deitz
Cc: Ellyn Fine; Jennifer Wilbur
Subject: Fw: PM version of FEMA_EPA letter

Deliberative

----- Forwarded by Matt Straus/DC/USEPA/US on 06/22/2009 04:55 PM -----

From: Matt Straus/DC/USEPA/US
To: "Wright, Roy" <Roy.E.Wright@dhs.gov>
Date: 06/22/2009 02:44 PM
Subject: RE: PM version of FEMA_EPA letter

Roy, any word???

From: "Wright, Roy" <Roy.E.Wright@dhs.gov>
To: Matt Straus/DC/USEPA/US@EPA
Date: 06/22/2009 12:01 PM
Subject: RE: PM version of FEMA_EPA letter

I will get back to you shortly.

~Roy

-----Original Message-----

From: Straus.Matt@epamail.epa.gov [mailto:Straus.Matt@epamail.epa.gov]
Sent: Monday, June 22, 2009 10:52 AM
To: Wright, Roy
Subject: RE: PM version of FEMA_EPA letter

Deliberative

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| From: |
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| "Wright, Roy" <Roy.E.Wright@dhs.gov>
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| To: |
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| Matt Straus/DC/USEPA/US@EPA
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| 06/22/2009 10:13 AM
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| RE: PM version of FEMA_EPA letter
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Matt, a little sense of my past week here.

~Roy

-----Original Message-----

From: Straus.Matt@epamail.epa.gov [mailto:Straus.Matt@epamail.epa.gov]
Sent: Monday, June 22, 2009 9:23 AM
To: Wright, Roy
Cc: Ingram, Deborah; Fine.Ellyn@epamail.epa.gov;
Deitz.Randy@epamail.epa.gov
Subject: Re: PM version of FEMA_EPA letter

(See attached file: FEMAresponsettr.doc) Roy, we have a few tweaks we would like for you to make to the letter. Can you please get back to me by about 11:30 am this morning if these are OK with you. Mathy Stanislaus will be going into a Senior Staff meeting at 1 pm and I will need to let him know before than whether you can agree with these few changes. Thanx for everything.

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| From: |
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| "Wright, Roy" <Roy.E.Wright@dhs.gov>
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| To: |
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| Matt Straus/DC/USEPA/US@EPA
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| "Ingram, Deborah" <deborah.ingram@dhs.gov>, Ellyn
Fine/DC/USEPA/US@EPA, Randy Deitz/DC/USEPA/US@EPA
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| PM version of FEMA_EPA letter
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EPA:

Here is the version that seeks to reconcile the issues from EPA, USACE, and DHS-NPPD.

I'm willing to facilitate a conference call with the principals this afternoon if we need to discuss further.

Roy Wright
Deputy Director | Risk Analysis Division | Mitigation Directorate |
Federal Emergency Management Agency | 202.646.3461

-----Original Message-----

From: Straus.Matt@epamail.epa.gov [mailto:Straus.Matt@epamail.epa.gov]
Sent: Friday, June 19, 2009 11:41 AM
To: Wright, Roy
Cc: Ingram, Deborah; Fine.Ellyn@epamail.epa.gov;
Deitz.Randy@epamail.epa.gov
Subject: Re: Conference Call Today at 4 pm

Roy, I am having trouble getting stuff through to you, but can you please consider the following additional edit to the letter.

Deliberative

I hope its not to late for you to consider this additional edit.
Thanx.

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| From: |
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| "Wright, Roy" <Roy.E.Wright@dhs.gov>
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| Matt Straus/DC/USEPA/US@EPA

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| "Ingram, Deborah" <deborah.ingram@dhs.gov>, Ellyn
Fine/DC/USEPA/US@EPA, Randy Deitz/DC/USEPA/US@EPA
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| Re: Conference Call Today at 4 pm
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We are, indeed, including your suggested edits.

Roy E. Wright

Deputy Director | Risk Analysis Division | Mitigation Directorate |
Federal Emergency Management Agency | 202.646.3461

----- Original Message -----

From: Straus.Matt@epamail.epa.gov <Straus.Matt@epamail.epa.gov>

To: Wright, Roy <Roy.E.Wright@dhs.gov>
Cc: Ingram, Deborah <deborah.ingram@dhs.gov>; Fine, Ellyn@epamail.epa.gov
<Fine.Ellyn@epamail.epa.gov>; Deitz, Randy@epamail.epa.gov
<Deitz.Randy@epamail.epa.gov>
Sent: Fri Jun 19 08:16:26 2009
Subject: RE: Conference Call Today at 4 pm

Roy, I presume in your editing, you are also considering the suggested
edits we sent you the other day.

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| "Wright, Roy" <Roy.E.Wright@dhs.gov>
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| Matt Straus/DC/USEPA/US@EPA
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| "Ingram, Deborah" <deborah.ingram@dhs.gov>, Ellyn
Fine/DC/USEPA/US@EPA, Randy Deitz/DC/USEPA/US@EPA
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|RE: Conference Call Today at 4 pm
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| "Wright, Roy" <Roy.E.Wright@dhs.gov>
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| Matt Straus/DC/USEPA/US@EPA, "Ingram, Deborah"
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| Ellyn Fine/DC/USEPA/US@EPA
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| Re: Conference Call Today at 4 pm

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Deputy Director | Risk Analysis Division | Mitigation Directorate |
Federal Emergency Management Agency | 202.646.3461

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To: Ingram, Deborah <deborah.ingram@dhs.gov>
Cc: Fine.Ellyn@epamail.epa.gov <Fine.Ellyn@epamail.epa.gov>; Wright, Roy <Roy.E.Wright@dhs.gov>
Sent: Wed Jun 17 13:26:01 2009
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| From: |
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| Matt Straus/DC/USEPA/US@EPA
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| Ellyn Fine/DC/USEPA/US@EPA, "Wright, Roy" <Roy.E.Wright@dhs.gov>
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| RE: Conference Call Today at 4 pm
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Thanks. On my end, I'll likely have Roy Wright, Deputy Director, Risk Reduction Division/Mitigation.

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Deb Ingram
Acting Deputy Assistant Administrator
Mitigation Directorate
FEMA/DHS
202-646-2856

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[attachment "Dam Safety Response to EPA re Coal Ash Dams 061909 pm.doc" deleted by Matt Straus/DC/USEPA/US]

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Arvin Ganesan/OU=DC/O=USEPA/C=US
Sent: Tue 6/23/2009 1:27:00 AM
Subject: Re: PM version of FEMA_EPA letter

Deliberative

Arvin
Sent from my Blackberry Wireless Device

----- Original Message -----

From: Richard Windsor
Sent: 06/22/2009 07:35 PM EDT
To: Bob Sussman
Cc: Diane Thompson; Allyn Brooks-LaSure; Arvin Ganesan; Mathy Stanislaus; Scott Fulton
Subject: Re: PM version of FEMA_EPA letter

All,

Deliberative

----- Original Message -----

From: Bob Sussman
Sent: 06/22/2009 07:02 PM EDT
To: Richard Windsor
Cc: Diane Thompson; Allyn Brooks-LaSure; Arvin Ganesan; Mathy Stanislaus; Scott Fulton
Subject: Fw: PM version of FEMA_EPA letter

Deliberative

Let us know what you think.

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Senior Policy Counsel to the Administrator
Office of the Administrator
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Subject: RE: PM version of FEMA_EPA letter

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| "Ingram, Deborah" <deborah.ingram@dhs.gov>, Ellyn
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| PM version of FEMA_EPA letter
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Roy Wright
Deputy Director | Risk Analysis Division | Mitigation Directorate |
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| Matt Straus/DC/USEPA/US@EPA
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| Cc: |

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| "Ingram, Deborah" <deborah.ingram@dhs.gov>, Ellyn
Fine/DC/USEPA/US@EPA, Randy Deitz/DC/USEPA/US@EPA
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| Subject: |
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Roy E. Wright

Deputy Director | Risk Analysis Division | Mitigation Directorate |
Federal Emergency Management Agency | 202.646.3461

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To: Wright, Roy <Roy.E.Wright@dhs.gov>
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<Fine.Ellyn@epamail.epa.gov>; Deitz.Randy@epamail.epa.gov
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Sent: Fri Jun 19 08:16:26 2009
Subject: RE: Conference Call Today at 4 pm

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| "Wright, Roy" <Roy.E.Wright@dhs.gov>
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| To: |
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| Matt Straus/DC/USEPA/US@EPA
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| "Ingram, Deborah" <deborah.ingram@dhs.gov>, Ellyn
Fine/DC/USEPA/US@EPA, Randy Deitz/DC/USEPA/US@EPA
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| RE: Conference Call Today at 4 pm
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Matt,

We received a version back from Counsel last night that still requires a fair bit of editing. I will share a revised version back with you later this morning.

Again, sorry for the delays on our end.

We're also reviewing the Boxer letters from the principals.

~Roy

-----Original Message-----

From: Straus.Matt@epamail.epa.gov [mailto:Straus.Matt@epamail.epa.gov]
Sent: Thursday, June 18, 2009 6:21 PM
To: Wright, Roy
Cc: Ingram, Deborah; Fine.Ellyn@epamail.epa.gov;
Deitz.Randy@epamail.epa.gov
Subject: Re: Conference Call Today at 4 pm

Any new? We want to get the response out to Sen. Boxer tomorrow and need the letter from Deborah before that goes out. If you could let me know where things stand, that would be great. Thanx.

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| From: |
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| "Wright, Roy" <Roy.E.Wright@dhs.gov>
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| Matt Straus/DC/USEPA/US@EPA, "Ingram, Deborah"
<deborah.ingram@dhs.gov>
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| Ellyn Fine/DC/USEPA/US@EPA
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| Re: Conference Call Today at 4 pm
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We are awaiting edits from DHS and FEMA General Counsel. Once we have those, we will share them. I apologize for the delay on our end.

We look forward to seeing the draft of the response from the principals and the fact sheet.

Roy E. Wright

Deputy Director | Risk Analysis Division | Mitigation Directorate |
Federal Emergency Management Agency | 202.646.3461

----- Original Message -----

From: Straus.Matt@epamail.epa.gov <Straus.Matt@epamail.epa.gov>
To: Ingram, Deborah <deborah.ingram@dhs.gov>
Cc: Fine.Ellyn@epamail.epa.gov <Fine.Ellyn@epamail.epa.gov>; Wright, Roy <Roy.E.Wright@dhs.gov>
Sent: Wed Jun 17 13:26:01 2009
Subject: RE: Conference Call Today at 4 pm

Wanted to just touch base to see when we are likely to hear back from you on the suggested edits we sent you on your letter yesterday evening. Also, on the letter to Senator Boxer, we have a draft and expect to circulate it through the Congressional Affairs offices hopefully this afternoon. Also, we discussed preparing a Fact Sheet that we thought it important for you to review. We also hope to send that over this afternoon, also probably through the Congressional Affairs office. Please email or call me (202-566-0178) if you have any questions. Thanx.

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| "Ingram, Deborah" <deborah.ingram@dhs.gov>
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| To: |
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| Matt Straus/DC/USEPA/US@EPA

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| Ellyn Fine/DC/USEPA/US@EPA, "Wright, Roy" <Roy.E.Wright@dhs.gov>

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| 06/16/2009 12:45 PM

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| RE: Conference Call Today at 4 pm

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Thanks. On my end, I'll likely have Roy Wright, Deputy Director, Risk
Reduction Division/Mitigation.

We will talk to you at 4:00.

Deb Ingram
Acting Deputy Assistant Administrator
Mitigation Directorate
FEMA/DHS
202-646-2856

-----Original Message-----

From: Straus.Matt@epamail.epa.gov [mailto:Straus.Matt@epamail.epa.gov]
Sent: Tuesday, June 16, 2009 12:38 PM
To: Ingram, Deborah
Cc: Fine.Ellyn@epamail.epa.gov
Subject: Conference Call Today at 4 pm

Per our discussion, the Conference call on the letter that you plan to send to EPA will be with Mathy Stanislaus, Assistant Administrator for the Office of Solid Waste and Emergency Response, Barry Breen, the Deputy Assistant Administrator for the Office of Solid Waste and Emergency Response, Matt Straus, Advisor and Matt Hale, Director of the Office of Resource Conservation and Recovery or Betsy Devlin, Deputy Director of the Materials Recovery and Waste Management Division. The call in number is [Personal Privacy] access code [Personal Privacy] Please email me or call me (202-566-0178) if you have questions. Thanx.

[attachment "Dam Safety Response to EPA re Coal Ash Dams 061909 pm.doc" deleted by Matt Straus/DC/USEPA/US]

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Mathy Stanislaus/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[];N=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Mathy Stanislaus/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[];N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Mathy Stanislaus/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[];N=Mathy Stanislaus/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[];N=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Bob Sussman/OU=DC/O=USEPA/C=US
Sent: Mon 6/22/2009 11:02:01 PM
Subject: Fw: PM version of FEMA_EPA letter

Deliberative

Let us know what you think.

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency
----- Forwarded by Bob Sussman/DC/USEPA/US on 06/22/2009 06:46 PM -----

From: Mathy Stanislaus/DC/USEPA/US
To: "Sussman Bob" <sussman.bob@epa.gov>, Arvin Ganesan/DC/USEPA/US@EPA
Cc: Diane Thompson/DC/USEPA/US@EPA
Date: 06/22/2009 05:11 PM
Subject: Fw: PM version of FEMA_EPA letter

Deliberative

----- Original Message -----

From: Matt Straus

Sent: 06/22/2009 05:05 PM EDT

To: Mathy Stanislaus; breen.barry@epa.gov; Randy Deitz

Cc: Ellyn Fine; Jennifer Wilbur

Subject: Fw: PM version of FEMA_EPA letter

Deliberative

----- Forwarded by Matt Straus/DC/USEPA/US on 06/22/2009 04:55 PM -----

From: Matt Straus/DC/USEPA/US

To: "Wright, Roy" <Roy.E.Wright@dhs.gov>

Date: 06/22/2009 02:44 PM

Subject: RE: PM version of FEMA_EPA letter

Roy, any word???

From: "Wright, Roy" <Roy.E.Wright@dhs.gov>

To: Matt Straus/DC/USEPA/US@EPA

Date: 06/22/2009 12:01 PM

Subject: RE: PM version of FEMA_EPA letter

I will get back to you shortly.

~Roy

-----Original Message-----

From: Straus.Matt@epamail.epa.gov [mailto:Straus.Matt@epamail.epa.gov]

Sent: Monday, June 22, 2009 10:52 AM

To: Wright, Roy

Subject: RE: PM version of FEMA_EPA letter

Deliberative

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| "Wright, Roy" <Roy.E.Wright@dhs.gov>
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| Matt Straus/DC/USEPA/US@EPA
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| RE: PM version of FEMA_EPA letter
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Matt, a little sense of my past week here.

~Roy

-----Original Message-----

From: Straus.Matt@epamail.epa.gov [mailto:Straus.Matt@epamail.epa.gov]

Sent: Monday, June 22, 2009 9:23 AM

To: Wright, Roy

Cc: Ingram, Deborah; Fine.Ellyn@epamail.epa.gov;

Deitz.Randy@epamail.epa.gov

Subject: Re: PM version of FEMA_EPA letter

(See attached file: FEMAresponseltr.doc) Roy, we have a few tweeks we would like for you to make to the letter. Can you please get back to me by about 11:30 am this morning if these are OK with you. Mathy Stanislaus will be going into a Senior Staff meeting at 1 pm and I will need to let him know before than whether you can agree with these few changes. Thanx for everything.

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| "Wright, Roy" <Roy.E.Wright@dhs.gov>
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| Matt Straus/DC/USEPA/US@EPA
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| "Ingram, Deborah" <deborah.ingram@dhs.gov>, Ellyn
Fine/DC/USEPA/US@EPA, Randy Deitz/DC/USEPA/US@EPA
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| PM version of FEMA_EPA letter
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EPA:

Here is the version that seeks to reconcile the issues from EPA, USACE,
and DHS-NPPD.

I'm willing to facilitate a conference call with the principals this
afternoon if we need to discuss further.

Roy Wright
Deputy Director | Risk Analysis Division | Mitigation Directorate |
Federal Emergency Management Agency | 202.646.3461

-----Original Message-----

From: Straus.Matt@epamail.epa.gov [mailto:Straus.Matt@epamail.epa.gov]
Sent: Friday, June 19, 2009 11:41 AM
To: Wright, Roy
Cc: Ingram, Deborah; Fine.Ellyn@epamail.epa.gov;
Deitz.Randy@epamail.epa.gov
Subject: Re: Conference Call Today at 4 pm

Roy, I am having trouble getting stuff through to you, but can you
please consider the following additional edit to the letter.

Deliberative

particular instance.

I hope its not to late for you to consider this additional edit.
Thanx.

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| From: |
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| "Wright, Roy" <Roy.E.Wright@dhs.gov>
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| Matt Straus/DC/USEPA/US@EPA
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| "Ingram, Deborah" <deborah.ingram@dhs.gov>, Ellyn
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| Re: Conference Call Today at 4 pm

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We are, indeed, including your suggested edits.

Roy E. Wright

Deputy Director | Risk Analysis Division | Mitigation Directorate |
Federal Emergency Management Agency | 202.646.3461

----- Original Message -----

From: Straus.Matt@epamail.epa.gov <Straus.Matt@epamail.epa.gov>

To: Wright, Roy <Roy.E.Wright@dhs.gov>

Cc: Ingram, Deborah <deborah.ingram@dhs.gov>; Fine.Ellyn@epamail.epa.gov

<Fine.Ellyn@epamail.epa.gov>; Deitz.Randy@epamail.epa.gov

<Deitz.Randy@epamail.epa.gov>

Sent: Fri Jun 19 08:16:26 2009

Subject: RE: Conference Call Today at 4 pm

Roy, I presume in your editing, you are also considering the suggested edits we sent you the other day.

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| From: |

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| "Wright, Roy" <Roy.E.Wright@dhs.gov>

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| Matt Straus/DC/USEPA/US@EPA

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| "Ingram, Deborah" <deborah.ingram@dhs.gov>, Ellyn
Fine/DC/USEPA/US@EPA, Randy Deitz/DC/USEPA/US@EPA

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| RE: Conference Call Today at 4 pm

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~Roy

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Sent: Thursday, June 18, 2009 6:21 PM

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Deitz.Randy@epamail.epa.gov

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| From: |
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| "Wright, Roy" <Roy.E.Wright@dhs.gov>
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Roy E. Wright

Deputy Director | Risk Analysis Division | Mitigation Directorate |
Federal Emergency Management Agency | 202.646.3461

----- Original Message -----

From: Straus.Matt@epamail.epa.gov <Straus.Matt@epamail.epa.gov>
To: Ingram, Deborah <deborah.ingram@dhs.gov>
Cc: Fine.Ellyn@epamail.epa.gov <Fine.Ellyn@epamail.epa.gov>; Wright, Roy <Roy.E.Wright@dhs.gov>
Sent: Wed Jun 17 13:26:01 2009
Subject: RE: Conference Call Today at 4 pm

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| "Ingram, Deborah" <deborah.ingram@dhs.gov>
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| Matt Straus/DC/USEPA/US@EPA
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| Ellyn Fine/DC/USEPA/US@EPA, "Wright, Roy" <Roy.E.Wright@dhs.gov>
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|06/16/2009 12:45 PM

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|RE: Conference Call Today at 4 pm

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Thanks. On my end, I'll likely have Roy Wright, Deputy Director, Risk Reduction Division/Mitigation.

We will talk to you at 4:00.

Deb Ingram
Acting Deputy Assistant Administrator
Mitigation Directorate
FEMA/DHS
202-646-2856

-----Original Message-----

From: Straus.Matt@epamail.epa.gov [mailto:Straus.Matt@epamail.epa.gov]
Sent: Tuesday, June 16, 2009 12:38 PM
To: Ingram, Deborah
Cc: Fine.Ellyn@epamail.epa.gov
Subject: Conference Call Today at 4 pm

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Director of the Materials Recovery and Waste Management Division. The call in number is [Personal Privacy] access code [Personal Privacy]. Please email me or call me (202-566-0178) if you have questions. Thanx.

[attachment "Dam Safety Response to EPA re Coal Ash Dams 061909 pm.doc" deleted by Matt Straus/DC/USEPA/US]

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Diane Thompson/OU=DC/O=USEPA/C=US
Sent: Tue 6/23/2009 3:28:27 PM
Subject: Fw: Cabinet Call with Jim Messina

Scott is the hill doing confirmation mtgs at the time of this call. I am going to ask Gina and David McIntosh to get on this call, assuming that is OK with you.

Diane E. Thompson
Chief of Staff
U. S. Environmental Protection Agency
202-564-6999

----- Forwarded by Diane Thompson/DC/USEPA/US on 06/23/2009 11:24 AM -----

From: "Lu, Christopher P." [Personal Privacy]
To: "Lu, Christopher P." [Personal Privacy]; "Smith, Elizabeth S." [Personal Privacy];
"Kimball, Astri B." [Personal Privacy]; "Hurlbut, Brandon K." [Personal Privacy];
"French, Michael J." [Personal Privacy]; "Milakofsky, Benjamin E." [Personal Privacy]
Date: 06/23/2009 11:16 AM
Subject: Cabinet Call with Jim Messina

Dear Chiefs of Staff:

The President and White House Chief of Staff have asked Jim Messina, the Deputy Chief of Staff, to do a quick briefing for the Cabinet on the energy bill. As I mentioned on this morning's call, the bill is slated to be voted on by the House on Friday, and the President is asking every Cabinet member or agency head to reach out to targeted members of Congress to encourage them to vote for the bill.

We are setting up a brief call for 4 p.m. Eastern today so Jim can explain the importance of this Administration-wide effort. Heather Zichal, Deputy Assistant to the President for Energy and Climate Change, will also be providing details on the bill. Either during the call – or shortly after the call – we'll have call lists to distribute.

We are asking your Secretaries to make themselves available for this call. If he/she is not available, I would ask that you put a Deputy Secretary on the call. I expect the call to last about 15 minutes.

Here is the call-in number: [Personal Privacy]
Passcode: [Personal Privacy]

Thanks.

--Chris

Chris Lu
Assistant to the President and Cabinet Secretary
(Cabinet Affairs) [Personal Privacy]

(Fax: **Personal Privacy**)

Personal Privacy

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]; N=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Seth Oster/OU=DC/O=USEPA/C=US
Sent: Tue 6/23/2009 4:50:14 PM
Subject: Fw: EMBARGOED: Opening Remarks of President's News Conference, June 23, 2009 - As Prepared for Delivery

I believe you get this directly, but just in case -- second section below relates to the energy bill and is from the president's ongoing press conference.

Seth

Seth Oster
Associate Administrator
Office of Public Affairs
Environmental Protection Agency
(202) 564-1918
oster.seth@epa.gov

----- Forwarded by Seth Oster/DC/USEPA/US on 06/23/2009 12:48 PM -----

From: "White House Press Office" <whitehouse-lists-noreply@list.whitehouse.gov>
To: Seth Oster/DC/USEPA/US@EPA
Date: 06/23/2009 12:27 PM
Subject: EMBARGOED: Opening Remarks of President's News Conference, June 23, 2009 - As Prepared for Delivery

THE WHITE HOUSE
Office of the Press Secretary

EMBARGOED UNTIL DELIVERY
June 23, 2009

Remarks of President Barack Obama
News Conference Opening Remarks – As Prepared for Delivery
James A. Brady Briefing Room, The White House
Washington, DC

Today, I want to start by addressing three issues, and then I'll take your questions.
First, I'd like to say a few words about the situation in Iran. The United States and the international community have been appalled and outraged by the threats, beatings, and imprisonments of the last few days. I strongly condemn these unjust actions, and I join with the American people in mourning each and every innocent life that is lost.

I have made it clear that the United States respects the sovereignty of the Islamic Republic of Iran, and is not at all interfering in Iran's affairs. But we must also bear witness to the courage and dignity of the Iranian people, and to a remarkable opening within Iranian society. And we deplore violence against innocent civilians anywhere that it takes place.

The Iranian people are trying to have a debate about their future. Some in the Iranian government are trying to avoid that debate by accusing the United States and others outside of Iran of instigating protests over the elections. These accusations are patently false and absurd. They are an obvious attempt to distract people from what is truly taking place within Iran's borders. This tired strategy of using old tensions to scapegoat other countries won't work anymore in Iran. This is not about the United States and the West; this is about the people of Iran, and the future that they – and only they – will choose.

The Iranian people can speak for themselves. That is precisely what has happened these last few days. In 2009, no iron fist is strong enough to shut off the world from bearing witness to the peaceful pursuit of justice. Despite the Iranian government's efforts to expel journalists and isolate itself, powerful images and poignant words have made their way to us through cell phones and computers, and so we have watched what the Iranian people are doing.

This is what we have witnessed. We have seen the timeless dignity of tens of thousands of Iranians marching in silence. We have seen people of all ages risk everything to insist that their votes are counted and their voices heard. Above all, we have seen courageous women stand up to brutality and threats, and we have experienced the searing image of a woman bleeding to death on the streets. While this loss is raw and painful, we also know this: those who stand up for justice are always on the right side of history.

As I said in Cairo, suppressing ideas never succeeds in making them go away. The Iranian people have a universal right to assembly and free speech. If the Iranian government seeks the respect of the international community, it must respect those rights, and heed the will of its own people. It must govern through consent, not coercion. That is what Iran's own people are calling for, and the Iranian people will ultimately judge the actions of their own government.

The second issue I want to address is our ongoing effort to build a clean energy economy.

This week, the House of Representatives is moving ahead on historic legislation that will transform the way we produce and use energy in America. It is legislation that will finally spark a clean energy transformation that will reduce our dependence on foreign oil and confront the carbon pollution that threatens our planet.

This energy bill will create a set of incentives that will spur the development of new sources of energy, including wind, solar, and geothermal power. It will also spur new energy savings, like efficient windows and other materials that reduce heating costs in the winter and cooling costs in the summer.

These incentives will finally make clean energy the profitable kind of energy. And that will lead to the development of new technologies that lead to new industries that could create millions of new jobs in America – jobs that cannot be shipped overseas.

At a time of great fiscal challenges, this legislation is paid for by the polluters who currently emit the dangerous carbon emissions that contaminate the water we drink and pollute the air we breathe. It also provides assistance to businesses and communities as they make the gradual transition to clean energy technologies.

This legislation is extraordinarily important for our country, and has taken a great effort on the part of many over the course of months. I want to thank the Chair of the Energy and Commerce Committee, Henry Waxman; his colleagues on that committee, Congressmen John Dingell, Ed Markey, and Rick Boucher. I also want to thank Charlie Rangel, the Chair of the Ways and Means Committee, and Collin Peterson, the Chair of the Agriculture Committee, for their many and ongoing contributions to this process. I also want to express my appreciation to Speaker Pelosi and Majority Leader Steny Hoyer.

We all know why this is so important. The nation that leads in the creation of a clean energy economy will be the nation that leads the 21st century global economy. That is what this legislation seeks to achieve – it is a bill that will open the door to a better future for this nation. And that is why I urge members of the House to come together and pass it.

The last issue I'd like to address is health care.

Right now, Congress is debating various health care reform proposals. This is obviously a complicated issue, but I am very optimistic about the progress they're making.

Like energy, this is legislation that will be paid for. It will not add to our deficits over the next decade. We will find the money through savings and efficiencies within the health care system – some of which we've already announced.

We will also ensure that the reform we pass brings down the crushing cost of health care. We simply cannot have a system where we throw good money after bad habits. We must control the skyrocketing costs that are driving families, businesses, and our government into greater and greater debt.

There is no doubt that we must preserve what is best about our health care system, and that means allowing Americans who like their doctors and their health care plans to keep them. But unless we fix what is broken in our current system, everyone's health care will be in jeopardy. Unless we act, premiums will climb higher, benefits will erode further, and the rolls of uninsured will swell to include millions more Americans. Unless we act, one out of every five dollars we earn will be spent on health care within a decade. And the amount our government spends on Medicare and Medicaid will eventually grow larger than what our government spends on anything else today.

When it comes to health care, the status quo is unsustainable. Reform is not a luxury, it is a necessity. And so I hope that Congress will continue to make significant progress on this issue in the weeks ahead.

And now, I'd be happy to take your questions.

###

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To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA[]; N=Eric Wachter/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Diane Thompson/OU=DC/O=USEPA/C=US
Sent: Tue 6/23/2009 6:15:19 PM
Subject: Fw: Quick update on SAC actions of this morning and the SAP on House appropriations bill
[SACsub-committeeaction62209.doc](#)

FYI

Diane E. Thompson
Chief of Staff
U. S. Environmental Protection Agency
202-564-6999
----- Forwarded by Diane Thompson/DC/USEPA/US on 06/23/2009 02:15 PM -----

From: Maryann Froehlich/DC/USEPA/US
To: Diane Thompson/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA
Cc: Arvin Ganesan/DC/USEPA/US@EPA, Joyce Frank/DC/USEPA/US@EPA, Ed Walsh/DC/USEPA/US@EPA
Date: 06/23/2009 01:43 PM
Subject: Quick update on SAC actions of this morning and the SAP on House appropriations bill

Diane et al -- Attached below is a quick summary of Senate Subcommittee action on our 2010 appropriations bill. Markup at the subcommittee level occurred this morning. Also, Ed Walsh had been working with Arvin, David McIntosh and Joyce Frank on the Statement of Administration Policy (SAP) on the House Appropriations full committee markup. We received the draft SAP from OMB at noon.

Here's the summary of the Senate action.

Maryann Froehlich
Acting Chief Financial Officer
202 564 1151

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Diane Thompson/OU=DC/O=USEPA/C=US
Sent: Tue 6/23/2009 9:09:38 PM
Subject: Fw: Testimony - ETA? Here it is.
[mtm testimony pomponio.doc](#)

Deliberative

Diane E. Thompson
Chief of Staff
U. S. Environmental Protection Agency
202-564-6999
----- Forwarded by Diane Thompson/DC/USEPA/US on 06/23/2009 05:05 PM -----

From: Diane Thompson/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA
Date: 06/23/2009 12:06 PM
Subject: Re: Fw: Fw: Testimony - ETA? Here it is.

Bob,

Deliberative

Diane

Diane E. Thompson
Chief of Staff
U. S. Environmental Protection Agency
202-564-6999

From: Arvin Ganesan/DC/USEPA/US
To: "Diane Thompson" <Thompson.Diane@epamail.epa.gov>
Date: 06/23/2009 08:58 AM
Subject: Fw: Fw: Testimony - ETA? Here it is.

Sent from my Blackberry Wireless Device

----- Original Message -----

From: Denis Borum

Sent: 06/22/2009 02:41 PM EDT

To: Arvin Ganesan

Subject: Fw: Fw: Testimony - ETA? Here it is.

Arvin,

How soon can you review??

Do you want either greg peck or bob sussman to see this before I send to omb??

Denis

----- Original Message -----

From: Linda Miller

Sent: 06/22/2009 02:33 PM EDT

To: Denis Borum

Subject: Fw: Fw: Testimony - ETA? Here it is.

----- Original Message -----

From: Dave Campbell

Sent: 06/22/2009 02:30 PM EDT

To: Linda Miller

Subject: Re: Fw: Testimony - ETA? Here it is.

References and all.

[attachment "Pomponio MTM Testimony [06-21-2009 version].doc" deleted by Diane Thompson/DC/USEPA/US]

Thanks.

Dave

David Campbell, Associate Division Director
Environmental Assessment and Innovation Division
Office of Environmental Innovation
U.S. EPA - Region III
1650 Arch Street
Philadelphia, PA 19103
ph: 215 814-2196
e-mail: "campbell.dave@epa.gov"

From: Linda Miller/R3/USEPA/US

To: "Dave Campbell" <Campbell.Dave@epamail.epa.gov>

Date: 06/22/2009 02:29 PM

Subject: Fw: Testimony - ETA?

----- Original Message -----

From: Denis Borum

Sent: 06/22/2009 02:26 PM EDT

To: Linda Miller

Subject: Testimony - ETA?

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA[]; N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA[]; N=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Adora Andy/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA[]; N=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Seth Oster/OU=DC/O=USEPA/C=US
Sent: Tue 6/23/2009 10:56:32 PM
Subject: Statement Regarding "Muzzled" EPA Official

Following is the statement sent to Dow Jones tonight responding to the allegation by a senior economist in OPEI that he has been "muzzled" from talking about the endangerment finding and process. There are several points we attempted to include in the statement but which we pulled because of reasons we can discuss offline. We also ran the statement through the normal channels.

We are still working with the reporter's editor in an effort to convince them of the fact that this story is not accurate and that the opinions presented by this individual was not based in science. However, it's not likely our efforts will succeed.

We'll keep you updated and circulate the story when/if it runs on the Dow Jones wire.

Seth

This Administration and this EPA Administrator are fully committed to openness, transparency and science-based decision making. These principles were reflected throughout the development of the proposed Endangerment finding, a process in which a broad array of voices were heard and an inter agency review was conducted. In this instance, certain opinions were expressed by an individual who is not a scientist and was not part of the working group dealing with this issue. Nevertheless, his manager allowed those views to be heard and considered both inside and outside the EPA and presented at conferences and at an agency seminar. His views were consistently found not to be based in science.

Seth Oster
Associate Administrator
Office of Public Affairs
Environmental Protection Agency
(202) 564-1918
oster.seth@epa.gov

Senate Appropriations Committee (SAC)
Sub-committee on Interior, Environment and Other Agencies
Markup of 2010 Bill – June 23, 2009

Initial Analysis:

- 2010 SAC Sub-committee funding level is \$10.156B; about \$33M Less than the President's request of \$10.486B and about \$300 M less than the House Full Committee (HAC) Mark of \$10.462.
- Funds the Great Lake Initiative at \$400M which is \$75M less than HAC and the President's request of \$475M for the Great Lakes Initiative
- SAC proposes a \$72M reduction from the President's request to geographic programs (water bodies) which is in direct contrast to the House. The House provided significant increases of approximately 95M to geographic programs in addition to the Great Lakes funding.
- Reduces the President's request of \$3.9B for the CW/DW SRFs by about \$413M (\$300M reduction for CWSRF and \$113M for DWSRF) as compared to the House reduction of \$150M for these programs. (\$93M reduction for CWSRF and \$57M reduction for DWSRF.)

However, the SAC sub-committee markup includes \$150M for "STAG infrastructure Grants" ----Water Infrastructure Earmarks. The House provided \$160 M for STAG Earmarks.

- Mexico Border is funded at the President's request of \$10M. The House funded this program at \$20M.
- Superfund is funded at the President's request. The House had reduced this by \$2M. HAC reduction is not to the response program.
- Proposal included a rescission of prior year funds (unliquidated balances) of \$40M, as compared with the House rescission of \$142M and the President's budget of \$10M.
- No amendments as yet.

Schedule for the Week:

- Senate Full Committee is scheduled for Thursday June 25th.
- House Floor is scheduled for Friday June 26th.

**TESTIMONY OF
JOHN “RANDY” POMPONIO
DIRECTOR, ENVIRONMENTAL ASSESSMENT AND INNOVATION DIVISION
U.S. ENVIRONMENTAL PROTECTION AGENCY MID-ATLANTIC REGION
BEFORE THE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
SUBCOMMITTEE ON WATER AND WILDLIFE
U.S. SENATE**

JUNE 25, 2009

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Deliberative

Deliberative

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Seth Oster/OU=DC/O=USEPA/C=US
Sent: Tue 6/23/2009 6:14:38 PM
Subject: Re: EMBARGOED: Opening Remarks of President's News Conference, June 23, 2009 - As Prepared for Delivery

Direct line is 202-564-1918

Cell is Personal Privacy
Pin is Personal Privacy

I'll also give this to your front office staff so they have it too. And I'll make sure you forward you WH info as it comes in on relevant issues now that I know you don't receive them directly.

Hope the trip has gone well so far.

Seth

Seth Oster
Associate Administrator
Office of Public Affairs
Environmental Protection Agency
(202) 564-1918
oster.seth@epa.gov

From: Richard Windsor/DC/USEPA/US
To: Seth Oster/DC/USEPA/US@EPA
Date: 06/23/2009 01:06 PM
Subject: Re: EMBARGOED: Opening Remarks of President's News Conference, June 23, 2009 - As Prepared for Delivery

BTW - What is your desk number, PIN, and cell number. Tx. Lj

----- Original Message -----

From: Seth Oster
Sent: 06/23/2009 12:50 PM EDT
To: Richard Windsor
Cc: Diane Thompson; Allyn Brooks-LaSure; Lisa Heinzerling
Subject: Fw: EMBARGOED: Opening Remarks of President's News Conference, June 23, 2009 - As Prepared for Delivery
I believe you get this directly, but just in case -- second section below relates to the energy bill and is from the president's ongoing press conference.

Seth

Seth Oster
Associate Administrator
Office of Public Affairs
Environmental Protection Agency
(202) 564-1918
oster.seth@epa.gov

----- Forwarded by Seth Oster/DC/USEPA/US on 06/23/2009 12:48 PM -----

From: "White House Press Office" <whitehouse-lists-noreply@list.whitehouse.gov>
To: Seth Oster/DC/USEPA/US@EPA
Date: 06/23/2009 12:27 PM
Subject: EMBARGOED: Opening Remarks of President's News Conference, June 23, 2009 - As Prepared for Delivery

THE WHITE HOUSE
Office of the Press Secretary

EMBARGOED UNTIL DELIVERY
June 23, 2009

Remarks of President Barack Obama
News Conference Opening Remarks – As Prepared for Delivery
James A. Brady Briefing Room, The White House
Washington, DC

Today, I want to start by addressing three issues, and then I'll take your questions. First, I'd like to say a few words about the situation in Iran. The United States and the international community have been appalled and outraged by the threats, beatings, and imprisonments of the last few days. I strongly condemn these unjust actions, and I join with the American people in mourning each and every innocent life that is lost.

I have made it clear that the United States respects the sovereignty of the Islamic Republic of Iran, and is not at all interfering in Iran's affairs. But we must also bear witness to the courage and dignity of the Iranian people, and to a remarkable opening within Iranian society. And we deplore violence against innocent civilians anywhere that it takes place.

The Iranian people are trying to have a debate about their future. Some in the Iranian government are trying to avoid that debate by accusing the United States and others outside of Iran of instigating protests over the elections. These accusations are patently false and absurd. They are an obvious attempt to distract people from what is truly taking place within Iran's borders. This tired strategy of using old tensions to scapegoat other countries won't work anymore in Iran. This is not about the United States and the West; this is about the people of Iran, and the future that they – and only they – will choose.

The Iranian people can speak for themselves. That is precisely what has happened these last few days. In 2009, no iron fist is strong enough to shut off the world from bearing witness to the peaceful pursuit of justice. Despite the Iranian government's efforts to expel journalists and isolate itself, powerful images and poignant words have made their way to us through cell phones and computers, and so we have watched what the Iranian people are doing.

This is what we have witnessed. We have seen the timeless dignity of tens of thousands of Iranians marching in silence. We have seen people of all ages risk everything to insist that their votes are counted and their voices heard. Above all, we have seen courageous women stand up to brutality and threats, and we have experienced the searing image of a woman bleeding to death on the streets. While this loss is raw and painful, we also know this: those who stand up for justice are always on the right side of history.

As I said in Cairo, suppressing ideas never succeeds in making them go away. The Iranian people have a universal right to assembly and free speech. If the Iranian government seeks the respect of the international community, it must respect those rights, and heed the will of its own people. It must govern through consent, not coercion. That is what Iran's own people are calling for, and the Iranian people will ultimately judge the actions of their own government.

The second issue I want to address is our ongoing effort to build a clean energy economy.

This week, the House of Representatives is moving ahead on historic legislation that will transform the way we produce and use energy in America. It is legislation that will finally spark a clean energy transformation that will reduce our dependence on foreign oil and confront the carbon pollution that threatens our planet.

This energy bill will create a set of incentives that will spur the development of new sources of energy, including wind, solar, and geothermal power. It will also spur new energy savings, like efficient windows and other materials that reduce heating costs in the winter and cooling costs in the summer.

These incentives will finally make clean energy the profitable kind of energy. And that will lead to the development of new technologies that lead to new industries that could create millions of new jobs in America – jobs that cannot be shipped overseas.

At a time of great fiscal challenges, this legislation is paid for by the polluters who currently emit the dangerous carbon emissions that contaminate the water we drink and pollute the air we breathe. It also provides assistance to businesses and communities as they make the gradual transition to clean energy technologies.

This legislation is extraordinarily important for our country, and has taken a great effort on the part of many over the course of months. I want to thank the Chair of the Energy and Commerce Committee, Henry Waxman; his colleagues on that committee, Congressmen John Dingell, Ed Markey, and Rick Boucher. I also want to thank Charlie Rangel, the Chair of the Ways and Means Committee, and Collin Peterson, the Chair of the Agriculture Committee, for their many and ongoing contributions to this process. I also want to express my appreciation to Speaker Pelosi and Majority Leader Steny Hoyer.

We all know why this is so important. The nation that leads in the creation of a clean energy economy will be the nation that leads the 21st century global economy. That is what this legislation seeks to achieve – it is a bill that will open the door to a better future for this nation. And that is why I urge members of the House to come together and pass it.

The last issue I'd like to address is health care.

Right now, Congress is debating various health care reform proposals. This is obviously a complicated issue, but I am very optimistic about the progress they're making.

Like energy, this is legislation that will be paid for. It will not add to our deficits over the next decade. We will find the money through savings and efficiencies within the health care system – some of which we've already announced.

We will also ensure that the reform we pass brings down the crushing cost of health care. We simply cannot have a system where we throw good money after bad habits. We must control the skyrocketing costs that are driving

families, businesses, and our government into greater and greater debt.

There is no doubt that we must preserve what is best about our health care system, and that means allowing Americans who like their doctors and their health care plans to keep them. But unless we fix what is broken in our current system, everyone's health care will be in jeopardy. Unless we act, premiums will climb higher, benefits will erode further, and the rolls of uninsured will swell to include millions more Americans. Unless we act, one out of every five dollars we earn will be spent on health care within a decade. And the amount our government spends on Medicare and Medicaid will eventually grow larger than what our government spends on anything else today.

When it comes to health care, the status quo is unsustainable. Reform is not a luxury, it is a necessity. And so I hope that Congress will continue to make significant progress on this issue in the weeks ahead.

And now, I'd be happy to take your questions.

###

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To: Richard Windsor/DC/USEPA/US@EPA[]
From: "M. Allyn Brooks-LaSure"
Sent: Tue 6/23/2009 11:08:22 PM
Subject: Fw: 2009 National Urban League Conference This Summer Jul 29 - Aug 1

Everyone loves your middle name.

-----Original Message-----

From: Black Enterprise
To: Michael Allyn Brooks-LaSure
Subject: 2009 National Urban League Conference This Summer Jul 29 - Aug 1
Sent: Jun 23, 2009 16:36

National Urban League Conference 2009 Join us for the 2009 National Urban League Conference and get the tools you need to claim your PATH TO POWER! Don't Delay, Register Today!

CNN's Soledad O'Brien, EPA Administrator Lisa Perez Jackson, Chris Gardner (Pursuit of Happyness), Rev. Al Sharpton, Benjamin Jealous (NAACP), Judge Penny Brown-Reynolds, Reverend Jesse Jackson, Tracee Ellis Ross, Jeff Johnson (BET), En Vogue, Earvin "Magic" Johnson, Roland Martin, and more will be at the 2009 National Urban League Conference this year... Will You??

This summer CHICAGO will be the stage of the 2009 National Urban League Conference, a dynamic gathering of business, political, and community leaders. The theme of this year's conference is THE PATH TO POWER, and it will provide the tools, connections, and insights needed to achieve your personal, professional, and community goals to not only survive but thrive in these trying economic times.

Power packed workshops and plenary sessions will address topics such as:

entrepreneurship education rebuilding our communities the emerging green economy Get into the zone at our largest expo ever! The NUL Experience will feature more than 100 exhibitors, African American vendors from the Chicago area, entertainment, and an art expo.

And don't miss the free Career Fair where more than 100 recruiters from America's top companies are waiting for you! Here's your chance to take part in workshops on career development and one-on-one career counseling, providing further tools to get you on your personal "Path to Power".

Don't miss the opening reception hosted by Tracee Ellis Ross and Terrence Howard at the Field Museum, galas, and a special performance by EN VOGUE at the historic Chicago Theater!

Register today and join the National Urban League in Chicago to get the tools you need to claim your personal PATH TO POWER!

Visit www.nul.org/2009conference for more speaker, schedule, and event updates!

Don't Miss Out! Register Today!

[back to top](#)

Make your Hotel Reservations Today: Hilton Chicago 720 South Michigan Avenue Chicago, IL 60605

Phone: 312-922-4400 Fax: 312-922-5240 Reservation Line: 877-865-5320

If making reservations by phone, please mention: National Urban League, Annual Conference.

Make reservations now!

The Palmer House Hilton 17 East Monroe Street Chicago, IL 60603 Phone: 312-726-7500 Fax: 312-922-5240 Reservation Line: 877-865-5321

Make reservations now!

Special Offer - Car Rentals Enterprise Rent-a-Car 15% Discount on Enterprise Rent-A-Car rentals for the Conference, to and from your home city and in Chicago.

Go to www.enterprise.com Use Corporate ID# NUL2008 and pin 200 Or simply log on to www.nul.org and click on the Enterprise Rent-A-Car logo to connect directly to the National Urban League reservation page.

Presented By: 120 Wall Street New York, NY 10005 ph: (212) 558-5300 fax: (212) 344-5332

www.nul.org

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MABL.

--

"What you tolerate is what you get."

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Adora Andy/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA[]; N=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA[]; N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA[]; N=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Seth Oster/OU=DC/O=USEPA/C=US
Sent: Tue 6/23/2009 11:10:22 PM
Subject: Re: Statement Regarding "Muzzled" EPA Official

Good news. The editor has held the story until at least tomorrow to give us a chance to provide further backup that we allowed this individual to present his opinions in several settings.

We're going to work on that first thing tomorrow. The story may still run, but they are listening to the arguments. Adora did a great job working the editor.

Seth

Seth Oster
Associate Administrator
Office of Public Affairs
Environmental Protection Agency
(202) 564-1918
oster.seth@epa.gov

From: Richard Windsor/DC/USEPA/US
To: Seth Oster/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Marcia Mulkey/DC/USEPA/US@EPA
Cc: Adora Andy/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA
Date: 06/23/2009 07:00 PM
Subject: Re: Statement Regarding "Muzzled" EPA Official

Nicely done. Dow Jones may print it - they have not held this reporter to normal journalistic standards in the past and I expect they will remain in character. It is possible that WSJ will see this nonsense for what it

is.

----- Original Message -----

From: Seth Oster

Sent: 06/23/2009 06:56 PM EDT

To: Richard Windsor; Diane Thompson; Lisa Heinzerling; Arvin Ganesan; Marcia Mulkey

Cc: Adora Andy; Allyn Brooks-LaSure

Subject: Statement Regarding "Muzzled" EPA Official

Following is the statement sent to Dow Jones tonight responding to the allegation by a senior economist in OPEI that he has been "muzzled" from talking about the endangerment finding and process. There are several points we attempted to include in the statement but which we pulled because of reasons we can discuss offline. We also ran the statement through the normal channels.

We are still working with the reporter's editor in an effort to convince them of the fact that this story is not accurate and that the opinions presented by this individual was not based in science. However, it's not likely our efforts will succeed.

We'll keep you updated and circulate the story when/if it runs on the Dow Jones wire.

Seth

This Administration and this EPA Administrator are fully committed to openness, transparency and science-based decision making. These principles were reflected throughout the development of the proposed Endangerment finding, a process in which a broad array of voices were heard and an inter agency review was conducted. In this instance, certain opinions were expressed by an individual who is not a scientist and was not part of the working group dealing with this issue. Nevertheless, his manager allowed those views to be heard and considered both inside and outside the EPA and presented at conferences and at an agency seminar. His views were consistently found not to be based in science.

Seth Oster

Associate Administrator

Office of Public Affairs

Environmental Protection Agency

(202) 564-1918

oster.seth@epa.gov

To: wachter.eric@epa.gov;stahl.michael@epa.gov;"Lisa Heinzerling"
[Heinzerling.Lisa@epamail.epa.gov]; tahl.michael@epa.gov;"Lisa Heinzerling"
[Heinzerling.Lisa@epamail.epa.gov]; Lisa Heinzerling" [Heinzerling.Lisa@epamail.epa.gov]
Bcc: CN=Richard Windsor/OU=DC/O=USEPA/C=US[]
From: CN=Scott Fulton/OU=DC/O=USEPA/C=US
Sent: Wed 6/24/2009 3:41:54 AM
Subject: Fw: Major Economies Forum - MEF3 Jiutepec Chairs' summary
June chairs summary 23 june - final.docx

From: "Artusio, Christo F (OES)" [ArtusioCF@state.gov]
Sent: 06/23/2009 11:26 PM AST
To: Scott Fulton
Subject: Major Economies Forum - MEF3 Jiutepec Chairs' summary

From: DeRosa-Joynt, Barbara M (OES)
To: DeRosa-Joynt, Barbara M (OES)
Sent: Tue Jun 23 19:39:57 2009
Subject: Major Economies Forum - MEF3 Jiutepec Chairs' summary

Dear Colleagues –

I hope this message finds you well. It was a pleasure seeing many of you in beautiful Jiutepec this week. Thank you again to our gracious Mexican hosts for the wonderful arrangements and support. On behalf of our Co-Chairs, I am pleased to provide you with the Chairs' summary for MEF3 in Jiutepec. I hope this is helpful to you.

Please note that we are still working to compile the many comments and changes to the draft Leaders' Declaration and will be pleased to forward you a copy of that document as soon as possible. However, we did not want to delay sending you the Chairs summary in the interim.

As always, please do not hesitate to contact me if I can be of assistance to you.

<<June chairs summary 23 june - final.docx>>

Warm regards,

Barbara

Ms. Barbara M. De Rosa-Joynt

Multilateral Initiatives Coordinator

Office of Global Change, OES/EGC

U.S. Department of State

Washington, D.C. U.S.A.

phone: [+1] (202) 647-4511

fax: [+1] (202) 647-0191

e-mail: derosabm@state.gov

To: Richard Windsor/DC/USEPA/US@EPA[]
From: "M. Allyn Brooks-LaSure"
Sent: Tue 6/23/2009 11:25:58 PM
Subject: Re: 2009 National Urban League Conference This Summer Jul 29 - Aug 1

Yes. We will make it work.

MABL.

--

"What you tolerate is what you get."

-----Original Message-----

From: Windsor.Richard@epamail.epa.gov

Date: Tue, 23 Jun 2009 19:24:50

To: Allyn Brooks-LaSure<mabl@brooks-lasure.com>

Subject: Re: 2009 National Urban League Conference This Summer Jul 29 - Aug 1

Cool. The Cabinet retreat is the evening of 7/30 thru 8/1. Assume you know that and will make sure Kate works around. I'd like to do both of course.

----- Original Message -----

From: "M. Allyn Brooks-LaSure" [mabl@brooks-lasure.com]

Sent: 06/23/2009 11:08 PM GMT

To: Richard Windsor

Subject: Fw: 2009 National Urban League Conference This Summer Jul 29 - Aug 1

Everyone loves your middle name.

-----Original Message-----

From: Black Enterprise

To: Michael Allyn Brooks-LaSure

Subject: 2009 National Urban League Conference This Summer Jul 29 - Aug 1

Sent: Jun 23, 2009 16:36

National Urban League Conference 2009 Join us for the 2009 National Urban League Conference and get the tools you need to claim your PATH TO POWER! Don't Delay, Register Today!

CNN's Soledad O'Brien, EPA Administrator Lisa Perez Jackson, Chris Gardner (Pursuit of Happyness), Rev. Al Sharpton, Benjamin Jealous (NAACP), Judge Penny Brown-Reynolds, Reverend Jesse Jackson, Tracee Ellis Ross, Jeff Johnson (BET), En Vogue, Earvin "Magic" Johnson, Roland Martin, and more will be at the 2009 National Urban League Conference this year... Will You??

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MABL.

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"What you tolerate is what you get."

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Seth Oster/OU=DC/O=USEPA/C=US
Sent: Tue 6/23/2009 11:28:54 PM
Subject: Re: Statement Regarding "Muzzled" EPA Official

Deliberative

----- Original Message -----

From: Richard Windsor
Sent: 06/23/2009 07:25 PM EDT
To: Seth Oster
Subject: Re: Statement Regarding "Muzzled" EPA Official

Well done. **Deliberative**

----- Original Message -----

From: Seth Oster
Sent: 06/23/2009 07:10 PM EDT
To: Richard Windsor
Cc: Adora Andy; Allyn Brooks-LaSure; Arvin Ganesan; Diane Thompson; Lisa Heinzerling; Marcia Mulkey
Subject: Re: Statement Regarding "Muzzled" EPA Official

Good news. The editor has held the story until at least tomorrow to give us a chance to provide further backup that we allowed this individual to present his opinions in several settings.

We're going to work on that first thing tomorrow. The story may still run, but they are listening to the arguments. Adora did a great job working the editor.

Seth

Seth Oster
Associate Administrator
Office of Public Affairs
Environmental Protection Agency
(202) 564-1918
oster.seth@epa.gov

From: Richard Windsor/DC/USEPA/US
To: Seth Oster/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Marcia Mulkey/DC/USEPA/US@EPA
Cc: Adora Andy/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA
Date: 06/23/2009 07:00 PM
Subject: Re: Statement Regarding "Muzzled" EPA Official

Nicely done. Dow Jones may print it - they have not held this reporter to normal journalistic standards in

the past and I expect they will remain in character. It is possible that WSJ will see this nonsense for what it is.

----- Original Message -----

From: Seth Oster

Sent: 06/23/2009 06:56 PM EDT

To: Richard Windsor; Diane Thompson; Lisa Heinzerling; Arvin Ganesan; Marcia Mulkey

Cc: Adora Andy; Allyn Brooks-LaSure

Subject: Statement Regarding "Muzzled" EPA Official

Following is the statement sent to Dow Jones tonight responding to the allegation by a senior economist in OPEI that he has been "muzzled" from talking about the endangerment finding and process. There are several points we attempted to include in the statement but which we pulled because of reasons we can discuss offline. We also ran the statement through the normal channels.

We are still working with the reporter's editor in an effort to convince them of the fact that this story is not accurate and that the opinions presented by this individual was not based in science. However, it's not likely our efforts will succeed.

We'll keep you updated and circulate the story when/if it runs on the Dow Jones wire.

Seth

This Administration and this EPA Administrator are fully committed to openness, transparency and science-based decision making. These principles were reflected throughout the development of the proposed Endangerment finding, a process in which a broad array of voices were heard and an inter agency review was conducted. In this instance, certain opinions were expressed by an individual who is not a scientist and was not part of the working group dealing with this issue. Nevertheless, his manager allowed those views to be heard and considered both inside and outside the EPA and presented at conferences and at an agency seminar. His views were consistently found not to be based in science.

Seth Oster

Associate Administrator

Office of Public Affairs

Environmental Protection Agency

(202) 564-1918

oster.seth@epa.gov

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Charles Imohiosen/OU=DC/O=USEPA/C=US@EPA;CN=Scott
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA[];
N=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Diane
Thompson/OU=DC/O=USEPA/C=US@EPA[]; N=Diane
Thompson/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Bob Sussman/OU=DC/O=USEPA/C=US
Sent: Tue 6/23/2009 11:59:04 PM
Subject: Re: supreme ct CWA decision/ 11th Circuit decision on water transfers
[high court ruled](#)
[EPA memorandum](#)

Lisa -- I talked to OW and OGC about this decision. The bottom line is that, relying on guidance issued by the Bush Administration, the Supreme Court upheld a section 404 permit allowing large volumes of mining waste to be discharged into a pristine lake, even though EPA had issued a "no discharge" prohibition for mining wastes as part of its effluent limitation guidelines for this sector.

Deliberative

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

From: Bob Sussman/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: Scott Fulton/DC/USEPA/US@EPA, Charles Imohiosen/DC/USEPA/US@EPA
Date: 06/23/2009 08:18 AM
Subject: supreme ct CWA decision

wanted you to see this -- we will need to dig into this and see whether there are any fixes

Activists Seek EPA 'Fixes' To Limit Effect Of High Court Mine Waste Ruling
Environmentalists are urging the Obama EPA to rescind a Bush-era memo that the Supreme Court relied on in its just-issued decision granting EPA and the Army Corps of Engineers deference to categorize mining tailings and other pollutants as "fill material" exempt from strict discharge limits under the Clean Water Act (CWA).

They are also urging EPA to veto the CWA section 404 “dredge and fill” permit for the mining project in question and rescind a pivotal Bush administration rulemaking that they say expanded the definition of fill material. The court's decision could also provide new momentum for a bill introduced by Rep. Frank Pallone (D-NJ) that would overturn the Bush administration's definition of fill material and effectively subject mining tailings and other pollutants “primarily to dispose of waste” to EPA discharge limits, the activists say.

The high court ruled 6-3 June 22 in *Coeur Alaska v. Southeast Alaska Conservation Council* (SEACC) that slurry discharges from an Alaska gold mine clearly fit the definition of “fill” material and therefore are to be solely permitted by the Corps under its section 404 authority governing “dredge-and-fill” operations because section 402 prohibits EPA from issuing permits for fill material.

The court rejected environmentalists' argument that section 404 contains an implicit exception requiring a section 402 permit when fill material discharges contain material that is subject to EPA's new source performance standards. Such an approach would create a “confusing division of permitting authority” that Congress did not intend, the court says.

The 6-3 decision further finds that the Corps acted in accordance with the law when issuing the section 404 permit to Coeur Alaska, relying on a May 2004 EPA memorandum because both the CWA and the agencies' regulations are ambiguous as to whether section 306 new source performance standards apply to section 404 permits.

Justice Anthony Kennedy wrote the majority opinion and was joined by Chief Justice John Roberts and Justices Clarence Thomas, Stephen Breyer, and Samuel Alito. Justice Antonin Scalia concurred with the judgment but only partially concurred with the reasoning. Justice Ruth Bader Ginsburg wrote the dissenting opinion, joined by Justices John Paul Stevens and David Souter.

In response to the ruling, environmentalists are urging the Obama administration to quickly rescind the 2004 Bush administration memo that gave preeminence to the Corps' section 404 permit and issue a new interpretation of the regulations to require the strict discharge requirements for mining tailings at the so-called Kensington mine site. Because the high court merely granted deference to an agency interpretation, the activists argue, the decision would allow the Obama EPA to quickly repeal the Bush administration's stance and limit the precedent set by the ruling.

But the agency has other options as well. EPA should veto the mine's “dredge and fill” permit under section 404 of the CWA because “any discharge that's going to kill all the fish in a lake has an 'unacceptable adverse impact' on its face,” Earthjustice attorney Tom Waldo said on a June 22 conference call with reporters.

Environmentalists are also urging the Obama administration to issue a new regulatory definition of “fill material,” which they say was broadened by the Bush administration to pave the way for mountaintop coal mining projects but was stretched even further for the froth-flotation mill discharges from the Alaska gold mine.

Although the activists say the ruling could provoke a response from Congress, they admit a legislative fix would take longer and is more difficult.

The Obama administration “has the ability to act more quickly,” Earthjustice senior attorney Joan Mulhern said on the conference call. However, Mulhern noted Pallone's bill has over 150 cosponsors in the House, a sign of significant support.

Before the Supreme Court, environmentalists argued that EPA new source performance standards under section 306 should apply to the slurry discharges, which would subject the releases to a zero-discharge standard, requiring technology controls and a section 402 permit. But the mining company and the federal government countered that section 404 grants the Corps authority to determine whether to issue a permit allowing the slurry discharge without regard to the section 306 standard.

Industry and the federal government relied in part on a 2004 memorandum from Diane Regas, then-head of EPA's Wetlands, Oceans & Watersheds Office, to a key official in EPA Region X overseeing CWA permitting issues at the gold mine. Because the mining tailings were regulated under a section 404 permit, “the regulatory regime applicable to discharges under section 402, including effluent limitations guidelines and standards, such as those applicable to gold ore mining . . . do not apply,” Regas wrote.

Environmentalists argued the memorandum is not entitled to deference because it contradicts the agencies' published statements and prior practice. But the court rejects this contention, saying SEACC's arguments are not convincing.

Although the memo, as an internal document, does not merit full deference under the Supreme Court's holdings in *Chevron v. Natural Resources Defense Council*, “the Court defers to it because it is not ‘plainly erroneous or inconsistent with the regulations[s],’” the just-issued ruling says, going on to outline several factors that inform this

conclusion. These include the memo's limited application to closed bodies of water, which guards against the possibility of evasion of the section 306 new source performance standards, the court says.

Chevron sets forth the legal test for determining whether to grant deference to a government agency's interpretation of its own statutory mandate, and Scalia in his concurrence says the court's deference to the Regas memo should be considered Chevron deference.

The only reason the court is not calling it Chevron deference is because of the high court's 2001 "misguided opinion" in *United States v. Mead Corp.*, which held that Chevron deference generally only applies to notice-and-comment rulemakings. Mead's "incomprehensible criteria for Chevron deference have produced so much confusion in the lower courts that there now has appeared the phenomenon of Chevron avoidance . . .," Scalia says. Scalia favors overruling Mead, but failing that, is "pleased to join an opinion that effectively ignores it."

The dissent echoes environmentalists' concerns that the ruling could lead to section 404 permits authorizing discharges of other solids that are now restricted by EPA standards -- a position the majority dismisses by saying those "extreme instances" are not present in the case and if they are to arise, environmentalists can challenge those permits.

And Breyer in his opinion concurring with the majority says he recognizes the danger Ginsburg warns against, "namely that '[w]hole categories of regulated industries' might 'gain immunity from a variety of pollution-control standards.'" But he says there are safeguards against that occurring, including EPA's ability to veto section 404 permits and the fact EPA "has never suggested that it would interpret the regulations so as to turn section 404 into a loophole, permitting evasion of a 'performance standard' simply because a polluter discharges enough pollutant to raise the bottom elevation of the body of water."

6222009_fixes Robert M. Sussman

Senior Policy Counsel to the Administrator

Office of the Administrator

US Environmental Protection Agency

Third Preparatory Meeting of the Major Economies Forum on Energy and Climate Chairs' Summary

The third preparatory meeting of the Major Economies Forum on Energy and Climate met in Jiutepec, Mexico, June 22-23, 2009, attended by Leaders representatives and other officials from seventeen major economies, as well as the United Nations and Denmark.

Participants agreed on the need for a strong political message in support of action on climate change including for a successful outcome in Copenhagen at the upcoming Leaders' Meeting in Italy, building on the outcome from the Leaders' Meeting in Hokkaido Toyako, Japan, in July 2008. Participants continued active discussions on key elements that Leaders might focus on in their discussions including mitigation, financing, technology, and adaptation.

President Calderón of Mexico spoke to delegates, noting there is not time to lose and calling for urgent unilateral and cooperative actions to address climate change with efficient mechanisms to support them.

Discussion on mitigation focused on such issues as long-term goals, mid-term targets, peaking years, and low-carbon growth plans, consistent with the science. Many Leaders' representatives expressed support for agreeing to a global long-term goal by 2050 in the context of a specific developed country 2050 goal, and robust mid-term actions for developed countries. There was discussion of the importance of mitigation actions by all, taking into account equity and national circumstances, and the development of low-carbon growth plans.

There was a clear view on the importance of financing, and discussion about various possible financing concepts, including the Mexican Green Fund proposal. There was broad interest in exploring proposals for possible fast-track funding to address specific mitigation and adaptation challenges.

On adaptation, participants recognized the need for enhanced support for developing countries which will be disproportionately affected, and discussed supporting formulation and implementation of adaptation programs and their integration into national development plans. Many noted the special needs of Africa and small island developing states.

On technology, there was a determination that major economies have a key role to play to drive innovation in transformational low-carbon technologies. Countries called for discussions on removing barriers, establishing incentives and sharing best practices, technology transfer, and substantially increasing public investments in research, development, and demonstration of such technologies.

Participants looked forward to the meeting of Leaders in L'Aquila, Italy, on July 9.

To: "Richard Windsor" [Windsor.Richard@epamail.epa.gov]
From: CN=Scott Fulton/OU=DC/O=USEPA/C=US
Sent: Wed 6/24/2009 3:44:36 AM
Subject: Fw: Urgent - MEF Debrief

Howdy - Eric will probably print this material for you, but I wanted you to have this just in case. Interesting that Prentice didn't go to the MEF. Be well, Scott

-----Original Message-----

To: Artusio, Christo F (OES)
To: William Pizer
To: Jackie Krieger
To: Brian Mclean
To: Dina Kruger
To: Bill Irving
To: Talley, Trigg (OES)
To: fendleyej
To: Pershing, Jonathan
Cc: Lisa Heinzerling
Cc: Eric Wachter
Cc: Michael Stahl
Cc: Brown, Paul A (E)
Cc: DeRosa-Joynt, Barbara M (OES)
Sent: Jun 23, 2009 11:38 PM
Subject: Re: Urgent - MEF Debrief

Thanks so much, Christo - very helpful - and timely!

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From: Artusio, Christo F (OES)
To: Scott Fulton
To: William Pizer
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To: Pershing, Jonathan
Cc: Lisa Heinzerling
Cc: Eric Wachter
Cc: Michael Stahl
Cc: Brown, Paul A (E)
Cc: DeRosa-Joynt, Barbara M (OES)
Sent: Jun 23, 2009 11:25 PM
Subject: Re: Urgent - MEF Debrief

Scott,

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Deliberative

Deliberative

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Hope this helps,

Christo

From: Fulton.Scott@epamail.epa.gov <Fulton.Scott@epamail.epa.gov>
To: William Pizer <William.Pizer@do.treas.gov>; Krieger.Jackie@epamail.epa.gov
<Krieger.Jackie@epamail.epa.gov>; Mclean.Brian@epamail.epa.gov <Mclean.Brian@epamail.epa.gov>;
Kruger.Dina@epamail.epa.gov <Kruger.Dina@epamail.epa.gov>; Irving.Bill@epamail.epa.gov
<Irving.Bill@epamail.epa.gov>; celesteconnors <[Personal Privacy] Pershing, Jonathan; Talley, Trigg
(OES); Artusio, Christo F (OES); fendleyej <[Personal Privacy]
Cc: Lisa Heinzerling <Heinzerling.Lisa@epamail.epa.gov>; wachter.eric@epa.gov <wachter.eric@epa.gov>; Michael
Stahl <Stahl.Michael@epamail.epa.gov>
Sent: Tue Jun 23 21:53:45 2009
Subject: Urgent - MEF Debrief

To Jonathon Pershing (or surrogate)e - Can we get a quick read out on the MEF? Lisa Jackson is meeting with the Ministers from Mexico and Canada tomorrow morning early and would like to have a sense of how things went going into her meetings. Thanks! Scott

From: Mars Hanna <[Personal Privacy]>
Sent: 06/03/2009 09:34 AM ZE2
To: Elmer

-----Original Message Truncated-----

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Scott Fulton/OU=DC/O=USEPA/C=US
Sent: Wed 6/24/2009 3:58:38 AM
Subject: Re: Urgent - MEF Debrief

Deliberative

----- Original Message -----

From: Richard Windsor
Sent: 06/23/2009 11:53 PM EDT
To: Scott Fulton
Subject: Re: Urgent - MEF Debrief

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Subject: Re: Urgent - MEF Debrief

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Deliberative

Deliberative

I will forward you the Chair's summary separately.

Hope this helps,

Christo

From: Fulton.Scott@epamail.epa.gov <Fulton.Scott@epamail.epa.gov>
To: William Pizer <William.Pizer@do.treas.gov>; Krieger.Jackie@epamail.epa.gov
<Krieger.Jackie@epamail.epa.gov>; Mclean.Brian@epamail.epa.gov <Mclean.Brian@epamail.epa.gov>;
Kruger.Dina@epamail.epa.gov <Kruger.Dina@epamail.epa.gov>; Irving.Bill@epamail.epa.gov
<Irving.Bill@epamail.epa.gov>; celesteconnors; **Personal Privacy** Pershing, Jonathan; Talley, Trigg
(OES); Artusio, Christo F (OES); fendleyej; **Personal Privacy**
Cc: Lisa Heinzerling <Heinzerling.Lisa@epamail.epa.gov>; wachter.eric@epa.gov <wachter.eric@epa.gov>; Michael
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Subject: Urgent - MEF Debrief

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From: Mars Hanna **Personal Privacy**
Sent: 06/03/2009 09:34 AM ZE2
To: Elmer

-----Original Message Truncated-----

To: "Richard Windsor" [Windsor.Richard@epamail.epa.gov]
From: CN=Scott Fulton/OU=DC/O=USEPA/C=US
Sent: Wed 6/24/2009 11:05:32 AM
Subject: Fw: Urgent - MEF Debrief

The earlier report was incorrect. Prentice was there.

From: "DeRosa-Joynt, Barbara M (OES)" [DeRosaBM@state.gov]
Sent: 06/24/2009 01:01 AM AST
To: Scott Fulton; "Artusio, Christo F (OES)" <ArtusioCF@state.gov>; <William.Pizer@do.treas.gov>; Jackie Krieger; Brian Mclean; Dina Kruger; Bill Irving; "Talley, Trigg (OES)" <TalleyT@state.gov>;
Personal Privacy "Pershing, Jonathan" <PershingJ@state.gov>
Cc: Lisa Heinzerling; Eric Wachter; Michael Stahl; "Brown, Paul A (E)" <BrownPA@state.gov>
Subject: Re: Urgent - MEF Debrief

Hi Scott -

Deliberative

I hope that helps.

Cheers!

Barbara

Ms. Barbara M. De Rosa-Joynt
Multilateral Initiatives Coordinator
Office of Global Change, OES/EGC
U.S. Department of State
Washington, D.C. U.S.A.
phone: [+1] (202) 647-4511
fax: [+1] (202) 647-0191
e-mail: derosabm@state.gov

From: Fulton.Scott@epamail.epa.gov <Fulton.Scott@epamail.epa.gov>
To: Artusio, Christo F (OES); William Pizer <William.Pizer@do.treas.gov>; Krieger.Jackie@epamail.epa.gov <Krieger.Jackie@epamail.epa.gov>; Mclean.Brian@epamail.epa.gov <Mclean.Brian@epamail.epa.gov>; Kruger.Dina@epamail.epa.gov <Kruger.Dina@epamail.epa.gov>; Irving.Bill@epamail.epa.gov <Irving.Bill@epamail.epa.gov>; Talley, Trigg (OES); fendleyej <**Personal Privacy**>; Pershing, Jonathan

Cc: Heinzerling.Lisa@epamail.epa.gov <Heinzerling.Lisa@epamail.epa.gov>; Wachter.Eric@epamail.epa.gov <Wachter.Eric@epamail.epa.gov>; Stahl.Michael@epamail.epa.gov <Stahl.Michael@epamail.epa.gov>; Brown, Paul A (E); DeRosa-Joynt, Barbara M (OES)
Sent: Tue Jun 23 23:39:49 2009
Subject: Re: Urgent - MEF Debrief

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From: "Artusio, Christo F (OES)" [ArtusioCF@state.gov]
Sent: 06/23/2009 11:25 PM AST
To: Scott Fulton; <William.Pizer@do.treas.gov>; Jackie Krieger; Brian Mclean; Dina Kruger; Bill Irving; "Talley, Trigg (OES)" <TalleyT@state.gov>; <Personal Privacy> "Pershing, Jonathan" <PershingJ@state.gov>
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Personal Privacy pershingj@state.gov; talleyt@state.gov; ArtusioCF@state.gov;

Personal Privacy fendleyej@state.gov; **Personal Privacy** yoffesb@state.gov; **Personal Privacy**

Kleinjm@state.gov; biniazsn@state.gov; **Personal Privacy** VockerodtAP@state.gov;

PovenmireSL@state.gov; HobgoodTD@state.gov; **Personal Privacy**

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Ashley King; Catherine.Vial@mail.doc.gov; jfurlow@usaid.gov; cgreen@usaid.gov; dmuller@usaid.gov;

pasmith@usaid.gov; Keith.Kozloff@do.treas.gov; James.Kapsis@do.treas.gov; Kimberly Klunich;

Personal Privacy Linda.Lawson@dot.gov; Chris_Kearney@ios.doi.gov;

Personal Privacy Katherine Buckley; goodedx@state.gov;

whohenst@oce.usda.gov; cfarley@fs.fed.us; mark.manis@fas.usda.gov; wendell.dennis@fas.usda.gov;

ckramerleblanc@oce.usda.gov; rdoudrick@fs.fed.us; janlewan@oce.usda.gov; carolyn.olson@wdc.usda.gov;

renee.schwartz@fas.usda.gov; mw Walsh@oce.usda.gov; weinberg@ers.usda.gov; Kirsten.Jaglo@fas.usda.gov;

JHRUBOVCAK@oce.usda.gov; jglauber@oce.usda.gov; moorewc@state.gov; CameronEL@state.gov;

LunaJH@state.gov; SchroederPA@state.gov; GarryKD@state.gov; Rbertram@usaid.gov; TLeonardo@usaid.gov;

jane.lubchenko@noaa.gov; mary.glackin@noaa.gov; thomas.r.karl@noaa.gov; **Personal Privacy**

derosabm@state.gov; NelsonDS@state.gov; CatlettLA@state.gov; CooperAG@state.gov; CordaroTA@state.gov;

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BonnerMI@state.gov; Frank.Caliva@mail.doc.gov; david.goodrich@noaa.gov; Lisa Heinzerling;

WHOHENST@oce.usda.gov; Kimberly Klunich; Jackie Krieger; LarsenKM@state.gov; LeeDL@state.gov;

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JacksonMW@state.gov; HicksDA@state.gov

Subject: UNFCCC Bonn June 2009 Negotiations - U.S. Nightly Report

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Please find attached the nightly report for June 2, 2009 from the U.S. delegation to the UNFCCC negotiations in Bonn. Deputy Special Envoy Jonathan Pershing and EPA Chief Advisor to the Administrator for Climate Change Lisa Heinzerling gave a presentation for approximately 250 government and NGO representatives on U.S. mitigation policies and actions which is also attached.

Please feel free to contact me if there is any further information that we can provide.

Best Regards,

Mars Hanna

U.S. Department of State

To: wachter.eric@epa.gov;"Michael Stahl" [Stahl.Michael@epamail.epa.gov]; Michael Stahl" [Stahl.Michael@epamail.epa.gov]
Cc: "Richard Windsor" [Windsor.Richard@epamail.epa.gov]
From: CN=Scott Fulton/OU=DC/O=USEPA/C=US
Sent: Wed 6/24/2009 11:02:42 AM
Subject: Fw: Urgent - MEF Debrief

A little more on the MEF - from NSC.

From: "Brown, Paul A \(\E\)" [BrownPA@state.gov]
Sent: 06/24/2009 06:23 AM AST
To: "DeRosa-Joynt, Barbara M \(\OES\)" <DeRosaBM@state.gov>; Scott Fulton; "Artusio, Christo F \(\OES\)" <ArtusioCF@state.gov>; <William.Pizer@do.treas.gov>; Jackie Krieger; Brian Mclean; Dina Kruger; Bill Irving; "Talley, Trigg \(\OES\)" <TalleyT@state.gov>; **Personal Privacy** "Pershing, Jonathan" <PershingJ@state.gov>
Cc: Lisa Heinzerling; Eric Wachter; Michael Stahl
Subject: Re: Urgent - MEF Debrief

Scott,

Deliberative

You can thank elvira for the excellent arrangements and for their efforts.

Cheers
Paul

From: DeRosa-Joynt, Barbara M (OES)
To: 'Fulton.Scott@epamail.epa.gov' <Fulton.Scott@epamail.epa.gov>; Artusio, Christo F (OES); 'William.Pizer@do.treas.gov' <William.Pizer@do.treas.gov>; 'Krieger.Jackie@epamail.epa.gov' <Krieger.Jackie@epamail.epa.gov>; 'Mclean.Brian@epamail.epa.gov' <Mclean.Brian@epamail.epa.gov>; 'Kruger.Dina@epamail.epa.gov' <Kruger.Dina@epamail.epa.gov>; 'Irving.Bill@epamail.epa.gov' <Irving.Bill@epamail.epa.gov>; Talley, Trigg (OES); **Personal Privacy** **Personal Privacy** Pershing, Jonathan
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Sent: Wed Jun 24 01:01:09 2009
Subject: Re: Urgent - MEF Debrief

Hi Scott -

Deliberative

I hope that helps.

Cheers!

Barbara

Ms. Barbara M. De Rosa-Joynt
Multilateral Initiatives Coordinator
Office of Global Change, OES/EGC
U.S. Department of State
Washington, D.C. U.S.A.
phone: [+1] (202) 647-4511
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Sent: Tue Jun 23 23:39:49 2009
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[Personal Privacy] Leif Hockstad; Scott Bartos; Joe Ferrante; BarthNH@state.gov;
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Best Regards,

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U.S. Department of State

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Scott Fulton/OU=DC/O=USEPA/C=US
Sent: Wed 6/24/2009 11:33:58 AM
Subject: Re: Urgent - MEF Debrief

Will do

From: Richard Windsor
Sent: 06/24/2009 07:23 AM EDT
To: Scott Fulton
Subject: Re: Urgent - MEF Debrief

Deliberative

From: Scott Fulton
Sent: 06/24/2009 07:05 AM EDT
To: Richard Windsor
Subject: Fw: Urgent - MEF Debrief

The earlier report was incorrect. Prentice was there.

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Sent: Wed 6/24/2009 11:35:04 AM
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Deliberative

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Yes, sorry to miss this point. What I didn't want to put in the email to everyone was that I was very sick yesterday and missed the 2nd day of proceedings

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Sent: Wed Jun 24 07:06:33 2009
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Deliberative

I will forward you the Chair's summary separately.

Hope this helps,

Christo

From: Fulton.Scott@epamail.epa.gov <Fulton.Scott@epamail.epa.gov>
To: William Pizer <William.Pizer@do.treas.gov>; Krieger.Jackie@epamail.epa.gov
<Krieger.Jackie@epamail.epa.gov>; Mclean.Brian@epamail.epa.gov <Mclean.Brian@epamail.epa.gov>;
Kruger.Dina@epamail.epa.gov <Kruger.Dina@epamail.epa.gov>; Irving.Bill@epamail.epa.gov
<Irving.Bill@epamail.epa.gov>; celesteconnors@epamail.epa.gov <celesteconnors@epamail.epa.gov>; Pershing, Jonathan; Talley, Trigg
(OES); Artusio, Christo F (OES); fendleyej@epamail.epa.gov <fendleyej@epamail.epa.gov>; **Personal Privacy**
Cc: Lisa Heinzerling <Heinzerling.Lisa@epamail.epa.gov>; wachter.eric@epa.gov <wachter.eric@epa.gov>; Michael
Stahl <Stahl.Michael@epamail.epa.gov>
Sent: Tue Jun 23 21:53:45 2009
Subject: Urgent - MEF Debrief

To Jonathon Pershing (or surrogate)e - Can we get a quick read out on the MEF? Lisa Jackson is meeting with the
Ministers from Mexico and Canada tomorrow morning early and would like to have a sense of how things went
going into her meetings. Thanks! Scott

From: Mars Hanna [marshanna@gmail.com]
Sent: 06/03/2009 09:34 AM ZE2
To: Elmer.Holt@hq.doe.gov; ko.barrett@noaa.gov; wbreed@usaid.gov; William.Pizer@do.treas.gov; Jackie
Krieger; Brian Mclean; Dina Kruger; Bill Irving; Beth.Urbanas@do.treas.gov; HengelDC@state.gov;
SecorPF@state.gov; robert.marlay@hq.doe.gov; bill.brennan@noaa.gov; Scott Fulton; MonossonDH@state.gov;
pershingj@state.gov; talleyt@state.gov; ArtusioCF@state.gov;
fendleyej@state.gov; yoffesb@state.gov; **Personal Privacy**
Kleinjm@state.gov; biniazsn@state.gov; VockerodtAP@state.gov;
PovenmireSL@state.gov; HobgoodTD@state.gov; **Personal Privacy**
Leif Hockstad; Scott Bartos; Joe Ferrante; BarthNH@state.gov;
Ashley King; Catherine.Vial@mail.doc.gov; jfurlow@usaid.gov; cgreen@usaid.gov; dmuller@usaid.gov;
pasmith@usaid.gov; Keith.Kozloff@do.treas.gov; James.Kapsis@do.treas.gov; Kimberly Klunich;
Linda.Lawson@dot.gov; Chris_Kearney@ios.doi.gov;

[Personal Privacy] Katherine Buckley; goodedx@state.gov;
whohenst@oce.usda.gov; cfarley@fs.fed.us; mark.manis@fas.usda.gov; wendell.dennis@fas.usda.gov;
ckramerleblanc@oce.usda.gov; rdoudrick@fs.fed.us; janlewan@oce.usda.gov; carolyn.olson@wdc.usda.gov;
renee.schwartz@fas.usda.gov; mwalsh@oce.usda.gov; weinberg@ers.usda.gov; Kirsten.Jaglo@fas.usda.gov;
JHRUBOVCAK@oce.usda.gov; jglauber@oce.usda.gov; moorewc@state.gov; CameronEL@state.gov;
LunaJH@state.gov; SchroederPA@state.gov; GarryKD@state.gov; Rbertram@usaid.gov; TLeonardo@usaid.gov;
jane.lubchenco@noaa.gov; mary.glackin@noaa.gov; thomas.r.karl@noaa.gov; [Personal Privacy]
derosabm@state.gov; NelsonDS@state.gov; CatlettLA@state.gov; CooperAG@state.gov; CordaroTA@state.gov;
HannaSM@state.gov; MurphyEA2@state.gov; PoliquinBE@state.gov; RendeMC@state.gov;
SchwartzKM@state.gov; ThompsonGM@state.gov; WarrenKL@state.gov; ZaitchikBF@state.gov;
[Personal Privacy] kastenbergRL@state.gov; jamesmith@usaid.gov; BaumertKA@state.gov;
BonnerMI@state.gov; Frank.Caliva@mail.doc.gov; david.goodrich@noaa.gov; Lisa Heinzerling;
WHOHENST@oce.usda.gov; Kimberly Klunich; Jackie Krieger; LarsenKM@state.gov; LeeDL@state.gov;
LeFrancMA@state.gov; Mark.Manis@usda.gov; Karen Metchis; Linda.Moodie@noaa.gov;
[Personal Privacy] zaitchik@jhu.edu; OgdenPR@state.gov; [Personal Privacy]
graham.pugh@hq.doe.gov; RochbergDR@state.gov; David_Downes@ios.doi.gov; SECC@state.gov;
JacksonMW@state.gov; HicksDA@state.gov
Subject: UNFCCC Bonn June 2009 Negotiations - U.S. Nightly Report

Dear Colleagues,

Please find attached the nightly report for June 2, 2009 from the U.S. delegation to the UNFCCC negotiations in Bonn. Deputy Special Envoy Jonathan Pershing and EPA Chief Advisor to the Administrator for Climate Change Lisa Heinzerling gave a presentation for approximately 250 government and NGO representatives on U.S. mitigation policies and actions which is also attached.

Please feel free to contact me if there is any further information that we can provide.

Best Regards,

Mars Hanna

U.S. Department of State

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Charles Imohiosen/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;"Lisa Heinzerling" [heinzerling.lisa@epa.gov]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;"Lisa Heinzerling" [heinzerling.lisa@epa.gov]; Lisa Heinzerling" [heinzerling.lisa@epa.gov]; N=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Bob Sussman/OU=DC/O=USEPA/C=US
Sent: Wed 6/24/2009 12:19:35 PM
Subject: Re: supreme ct CWA decision/ 11th Circuit decision on water transfers
[high court ruled](#)
[EPA memorandum](#)

Deliberative

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

From: Richard Windsor/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA
Cc: Charles Imohiosen/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, "Lisa Heinzerling" <heinzerling.lisa@epa.gov>
Date: 06/24/2009 07:48 AM
Subject: Re: supreme ct CWA decision/ 11th Circuit decision on water transfers

Deliberative

----- Original Message -----

From: Bob Sussman
Sent: 06/23/2009 07:59 PM EDT
To: Richard Windsor
Cc: Charles Imohiosen; Scott Fulton; Diane Thompson
Subject: Re: supreme ct CWA decision/ 11th Circuit decision on water transfers

Lisa -- I talked to OW and OGC about this decision. The bottom line is that, relying on guidance issued by the Bush Administration, the Supreme Court upheld a section 404 permit allowing large volumes of mining waste to be discharged into a pristine lake, even though EPA had issued a "no discharge" prohibition for mining wastes as part of its effluent limitation guidelines for this sector.

Deliberative

Deliberative

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

From: Bob Sussman/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: Scott Fulton/DC/USEPA/US@EPA, Charles Imohiosen/DC/USEPA/US@EPA
Date: 06/23/2009 08:18 AM
Subject: supreme ct CWA decision

wanted you to see this -- we will need to dig into this and see whether there are any fixes

Activists Seek EPA 'Fixes' To Limit Effect Of High Court Mine Waste Ruling

Environmentalists are urging the Obama EPA to rescind a Bush-era memo that the Supreme Court relied on in its just-issued decision granting EPA and the Army Corps of Engineers deference to categorize mining tailings and other pollutants as "fill material" exempt from strict discharge limits under the Clean Water Act (CWA). They are also urging EPA to veto the CWA section 404 "dredge and fill" permit for the mining project in question and rescind a pivotal Bush administration rulemaking that they say expanded the definition of fill material. The court's decision could also provide new momentum for a bill introduced by Rep. Frank Pallone (D-NJ) that would overturn the Bush administration's definition of fill material and effectively subject mining tailings and other pollutants "primarily to dispose of waste" to EPA discharge limits, the activists say.

The high court ruled 6-3 June 22 in *Coeur Alaska v. Southeast Alaska Conservation Council* (SEACC) that slurry discharges from an Alaska gold mine clearly fit the definition of "fill" material and therefore are to be solely permitted by the Corps under its section 404 authority governing "dredge-and-fill" operations because section 402 prohibits EPA from issuing permits for fill material.

The court rejected environmentalists' argument that section 404 contains an implicit exception requiring a section 402 permit when fill material discharges contain material that is subject to EPA's new source performance standards. Such an approach would create a "confusing division of permitting authority" that Congress did not intend, the court says.

The 6-3 decision further finds that the Corps acted in accordance with the law when issuing the section 404 permit to Coeur Alaska, relying on a May 2004 EPA memorandum because both the CWA and the agencies' regulations are ambiguous as to whether section 306 new source performance standards apply to section 404 permits. Justice Anthony Kennedy wrote the majority opinion and was joined by Chief Justice John Roberts and Justices Clarence Thomas, Stephen Breyer, and Samuel Alito. Justice Antonin Scalia concurred with the judgment but only partially concurred with the reasoning. Justice Ruth Bader Ginsburg wrote the dissenting opinion, joined by Justices John Paul Stevens and David Souter.

In response to the ruling, environmentalists are urging the Obama administration to quickly rescind the 2004 Bush administration memo that gave preeminence to the Corps' section 404 permit and issue a new interpretation of

the regulations to require the strict discharge requirements for mining tailings at the so-called Kensington mine site. Because the high court merely granted deference to an agency interpretation, the activists argue, the decision would allow the Obama EPA to quickly repeal the Bush administration's stance and limit the precedent set by the ruling.

But the agency has other options as well. EPA should veto the mine's "dredge and fill" permit under section 404 of the CWA because "any discharge that's going to kill all the fish in a lake has an 'unacceptable adverse impact' on its face," Earthjustice attorney Tom Waldo said on a June 22 conference call with reporters.

Environmentalists are also urging the Obama administration to issue a new regulatory definition of "fill material," which they say was broadened by the Bush administration to pave the way for mountaintop coal mining projects but was stretched even further for the froth-flotation mill discharges from the Alaska gold mine.

Although the activists say the ruling could provoke a response from Congress, they admit a legislative fix would take longer and is more difficult.

The Obama administration "has the ability to act more quickly," Earthjustice senior attorney Joan Mulhern said on the conference call. However, Mulhern noted Pallone's bill has over 150 cosponsors in the House, a sign of significant support.

Before the Supreme Court, environmentalists argued that EPA new source performance standards under section 306 should apply to the slurry discharges, which would subject the releases to a zero-discharge standard, requiring technology controls and a section 402 permit. But the mining company and the federal government countered that section 404 grants the Corps authority to determine whether to issue a permit allowing the slurry discharge without regard to the section 306 standard.

Industry and the federal government relied in part on a 2004 memorandum from Diane Regas, then-head of EPA's Wetlands, Oceans & Watersheds Office, to a key official in EPA Region X overseeing CWA permitting issues at the gold mine. Because the mining tailings were regulated under a section 404 permit, "the regulatory regime applicable to discharges under section 402, including effluent limitations guidelines and standards, such as those applicable to gold ore mining . . . do not apply," Regas wrote.

Environmentalists argued the memorandum is not entitled to deference because it contradicts the agencies' published statements and prior practice. But the court rejects this contention, saying SEACC's arguments are not convincing.

Although the memo, as an internal document, does not merit full deference under the Supreme Court's holdings in *Chevron v. Natural Resources Defense Council*, "the Court defers to it because it is not 'plainly erroneous or inconsistent with the regulations[s],' " the just-issued ruling says, going on to outline several factors that inform this conclusion. These include the memo's limited application to closed bodies of water, which guards against the possibility of evasion of the section 306 new source performance standards, the court says.

Chevron sets forth the legal test for determining whether to grant deference to a government agency's interpretation of its own statutory mandate, and Scalia in his concurrence says the court's deference to the Regas memo should be considered *Chevron* deference.

The only reason the court is not calling it *Chevron* deference is because of the high court's 2001 "misguided opinion" in *United States v. Mead Corp.*, which held that *Chevron* deference generally only applies to notice-and-comment rulemakings. Mead's "incomprehensible criteria for *Chevron* deference have produced so much confusion in the lower courts that there now has appeared the phenomenon of *Chevron* avoidance . . .," Scalia says. Scalia favors overruling Mead, but failing that, is "pleased to join an opinion that effectively ignores it."

The dissent echoes environmentalists' concerns that the ruling could lead to section 404 permits authorizing discharges of other solids that are now restricted by EPA standards -- a position the majority dismisses by saying those "extreme instances" are not present in the case and if they are to arise, environmentalists can challenge those permits.

And Breyer in his opinion concurring with the majority says he recognizes the danger Ginsburg warns against, "namely that '[w]hole categories of regulated industries' might 'gain immunity from a variety of pollution-control standards.'" But he says there are safeguards against that occurring, including EPA's ability to veto section 404 permits and the fact EPA "has never suggested that it would interpret the regulations so as to turn section 404 into a loophole, permitting evasion of a 'performance standard' simply because a polluter discharges enough pollutant to raise the bottom elevation of the body of water."

6222009_fixes Robert M. Sussman

Senior Policy Counsel to the Administrator

Office of the Administrator
US Environmental Protection Agency

To: CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]; N=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Charles Imohiosen/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;"Lisa Heinzerling" [heinzerling.lisa@epa.gov]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;"Lisa Heinzerling" [heinzerling.lisa@epa.gov]; Lisa Heinzerling" [heinzerling.lisa@epa.gov]
From: CN=Scott Fulton/OU=DC/O=USEPA/C=US
Sent: Wed 6/24/2009 12:40:55 PM
Subject: Re: supreme ct CWA decision/ 11th Circuit decision on water transfers
[high court ruled](#)
[EPA memorandum](#)

We need to check to see if we would need to work through a notice and comment process here. There is a line of cases that may lead to this conclusion (in order for the new guidance to get deference).

----- Original Message -----

From: Bob Sussman
Sent: 06/24/2009 08:19 AM EDT
To: Richard Windsor
Cc: Charles Imohiosen; Diane Thompson; "Lisa Heinzerling" <heinzerling.lisa@epa.gov>; Scott Fulton
Subject: Re: supreme ct CWA decision/ 11th Circuit decision on water transfers

Deliberative

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

From: Richard Windsor/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA
Cc: Charles Imohiosen/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, "Lisa Heinzerling" <heinzerling.lisa@epa.gov>
Date: 06/24/2009 07:48 AM
Subject: Re: supreme ct CWA decision/ 11th Circuit decision on water transfers

Deliberative

----- Original Message -----

From: Bob Sussman
Sent: 06/23/2009 07:59 PM EDT
To: Richard Windsor
Cc: Charles Imohiosen; Scott Fulton; Diane Thompson

Subject: Re: supreme ct CWA decision/ 11th Circuit decision on water transfers
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Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

From: Bob Sussman/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
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intend, the court says.

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Justice Anthony Kennedy wrote the majority opinion and was joined by Chief Justice John Roberts and Justices Clarence Thomas, Stephen Breyer, and Samuel Alito. Justice Antonin Scalia concurred with the judgment but only partially concurred with the reasoning. Justice Ruth Bader Ginsburg wrote the dissenting opinion, joined by Justices John Paul Stevens and David Souter.

In response to the ruling, environmentalists are urging the Obama administration to quickly rescind the 2004 Bush administration memo that gave preeminence to the Corps' section 404 permit and issue a new interpretation of the regulations to require the strict discharge requirements for mining tailings at the so-called Kensington mine site. Because the high court merely granted deference to an agency interpretation, the activists argue, the decision would allow the Obama EPA to quickly repeal the Bush administration's stance and limit the precedent set by the ruling.

But the agency has other options as well. EPA should veto the mine's "dredge and fill" permit under section 404 of the CWA because "any discharge that's going to kill all the fish in a lake has an 'unacceptable adverse impact' on its face," Earthjustice attorney Tom Waldo said on a June 22 conference call with reporters.

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those “extreme instances” are not present in the case and if they are to arise, environmentalists can challenge those permits.

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6222009_fixes Robert M. Sussman

Senior Policy Counsel to the Administrator

Office of the Administrator

US Environmental Protection Agency

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: "Arvin Ganesan" [ganesan.arvin@epa.gov]; David McIntosh
[mcintosh.david@epa.gov]; Sarah Pallone" [Pallone.Sarah@epamail.epa.gov]
From: CN=David McIntosh/OU=DC/O=USEPA/C=US
Sent: Wed 6/24/2009 12:50:09 PM
Subject: Re: Can one of you email

Yes, 5 minutes. Computer unfreezing now.

From: Richard Windsor/DC/USEPA/US
To: "Sarah Pallone" <Pallone.Sarah@epamail.epa.gov>, "David McIntosh"
<mcintosh.david@epa.gov>, "Arvin Ganesan" <ganesan.arvin@epa.gov>
Date: 06/24/2009 08:43 AM
Subject: Can one of you email

Me the text of the letter signed by 22 enviros to the US House asking them to pass ACES? Tx.

Obviously, please notify me immediately today via email if enviros (Sierra, NRDC, LCV) make any statements. Tx.

To: CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[];
N=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[];
N=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; **N=**Seth Oster/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Diane Thompson/OU=DC/O=USEPA/C=US
Sent: Wed 6/24/2009 2:01:58 PM
Subject: Pew Keynote

timing of this couldn't be more challenging. may I ask Lisa and David to review what has been prepared for Pew in light of the house bill, and make recommendations for changes/additions for the Adm to consider. the Adm is likely going to be asked to be calling members to urge a yes vote on the bill. i will ask Kate to hold the time before the speech so there is ample time to consider changes. Thanks

Diane E. Thompson
Chief of Staff
U. S. Environmental Protection Agency
202-564-6999

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: "David McIntosh" [mcintosh.david@epa.gov]; Sarah Pallone"
[Pallone.Sarah@epamail.epa.gov]
From: CN=Arvin Ganesan/OU=DC/O=USEPA/C=US
Sent: Wed 6/24/2009 12:48:59 PM
Subject: Re: Can one of you email

I think you mean this letter.

The letter:

The Alliance for Climate Protection * American Rivers
Center for American Progress Action Fund * Clean Water Action
Climate Solutions * Defenders of Wildlife * Environment America
Environmental Defense Fund * Environmental Law & Policy Center
Interfaith Power and Light (IPL) * League of Conservation Voters
National Audubon Society * The National Hispanic Environmental Council (NHEC)
National Wildlife Federation * Natural Resources Defense Council * Oceana
Oxfam America * Pew Environment Group * Sierra Club
Southern Alliance for Clean Energy
The Wilderness Society * Union of Concerned Scientists

June 22, 2009

House of Representatives Washington, DC 20515

Dear Representative:

On behalf of the millions of members and volunteers that our organizations represent, we write to urge you to support final passage of the American Clean Energy and Security Act of 2009 (ACES).

We also urge you to do everything possible to strengthen the bill between now and final passage, and along its journey to the President's desk.

ACES will help build America's clean energy economy and launch the United States' first national plan of action to address the growing threat of climate change. ACES offers our country the most important opportunity in generations to jumpstart our economy, create millions of new, well-paying jobs, and set the stage for America to compete and prosper in a 21st century economy.

We believe this is one of the most important votes of our time. There are rare moments in American history when the urgency to act is clear, the stakes are high, the costs of inaction are untenable, and the need for courageous leadership is paramount. Now is one of those moments. An opportunity like this may not come again for many years.

ACES will deliver important benefits for consumers, workers, and businesses, while protecting public health, national security, and the parks, forests, and coastlines that define America's natural heritage.

Specifically:

- ACES launches the first national plan of action to address climate change. The legislation includes a steadily declining cap to reduce pollution from major sources such as power plants and oil refineries, and launches a new, large-scale program to protect tropical forests. The legislation includes a clear scientific process for evaluating the plan over time and recommending updates.
- ACES creates and funds programs to help states, communities, public health officials and wildlife professionals prepare for and respond to those impacts of climate change that can no longer be avoided.
- ACES includes an energy efficiency plan that includes new standards and incentives to use smarter energy technologies and save energy where we live and work. The American Council for an Energy Efficient Economy estimates that ACES will save consumers billions of dollars annually on energy bills.
- ACES creates new incentives for clean energy and provides states with allowances worth billions of dollars annually to promote energy efficiency and clean energy in every part of the nation and in all communities, with specific measures targeted at low-income communities. The Center for American Progress estimates that, combined with the already-enacted American Recovery and Reinvestment Act,

ACES can help create 1.7 million clean energy jobs.

- ACES includes several important programs to save oil by investing in the next generation of vehicles, supporting the development of smarter transportation plans, and reducing greenhouse gas emissions from heavy trucks, construction equipment, trains, and airplanes. In addition, it creates energy efficiency programs that will reduce oil consumption from homes and businesses.

- ACES delivers cleaner energy with an affordable framework that is fair to Americans across all income groups. According to the Congressional Budget Office (CBO), the 20% of households with lowest income in America will see an average net economic benefit of \$40 annually. Overall, CBO estimates that the net cost to the average household will be under 50 cents per day, and this estimate doesn't include the energy bill savings potential from the legislation's energy efficiency measures.

- CBO has determined that ACES reduces the national budget deficit, lightening the financial load on future generations even as we begin to reduce the environmental debt we will leave behind.

The window of opportunity to act is short. Although ACES is just the beginning of an effective long-term national strategy on climate change, the science is clear that we must get started now and have already delayed far too long. By passing ACES, the House will create vital momentum for action this year by the Senate and the President, as well as for global action. As we approach the December 2009 deadline for climate treaty negotiations in Copenhagen, Denmark, we must show the world the U.S. is ready to commit to action toward solving this global problem.

As ACES is considered on the floor, we urge that you oppose any amendments that weaken the bill's clean energy incentives and environmental goals. We urge you to support amendments that strengthen the bill, particularly those that create more clean energy jobs with stronger renewable energy and energy efficiency provisions, as well as amendments that increase investments that help foster a fair and effective global agreement and help prepare for the impacts of climate change to natural resources and vulnerable communities that can no longer be avoided. Most importantly, we urge that you vote "yes" on final passage to get started now on a national effort to address climate change, and that you reach out to your colleagues to build a strong coalition of support for a clean energy future.

Our members, partners and allies are mobilizing as never before to capture this historic opportunity. Now it's time for Congress to act.

Sincerely,

The Alliance for Climate Protection

American Rivers

Center for American Progress Action Fund

Clean Water Action

Climate Solutions

Defenders of Wildlife

Environment America

Environmental Defense Fund

Environmental Law & Policy Center

Interfaith Power and Light (IPL)

League of Conservation Voters

National Audubon Society

The National Hispanic Environmental Council (NHEC)

National Wildlife Federation

Natural Resources Defense Council

Oceana

Oxfam America

Pew Environment Group

Sierra Club

Southern Alliance for Clean Energy

The Wilderness Society

Union of Concerned Scientists

ARVIN R. GANESAN

Deputy Associate Administrator
Congressional Affairs
Office of the Administrator
United States Environmental Protection Agency
Ganesan.Arvin@epa.gov
(p) 202.564.5200
(f) 202.501.1519

From: Richard Windsor/DC/USEPA/US
To: "Sarah Pallone" <Pallone.Sarah@epamail.epa.gov>, "David McIntosh" <mcintosh.david@epa.gov>, "Arvin Ganesan" <ganesan.arvin@epa.gov>
Date: 06/24/2009 08:43 AM
Subject: Can one of you email

Me the text of the letter signed by 22 enviros to the US House asking them to pass ACES? Tx.

Obviously, please notify me immediately today via email if enviros (Sierra, NRDC, LCV) make any statements. Tx.

To: CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Lisa
Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Richard
Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[];
N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Richard
Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[];
N=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Seth
Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]
From: CN=David McIntosh/OU=DC/O=USEPA/C=US
Sent: Wed 6/24/2009 2:06:11 PM
Subject: Re: Pew Keynote

Sure. Pls send text.

From: Diane Thompson/DC/USEPA/US
To: Lisa Heinzerling/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Allyn Brooks-
LaSure/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA
Cc: Richard Windsor/DC/USEPA/US@EPA
Date: 06/24/2009 10:01 AM
Subject: Pew Keynote

timing of this couldn't be more challenging. may I ask Lisa and David to review what has been prepared for Pew in light of the house bill, and make recommendations for changes/additions for the Adm to consider. the Adm is likely going to be asked to be calling members to urge a yes vote on the bill. i will ask Kate to hold the time before the speech so there is ample time to consider changes. Thanks

Diane E. Thompson
Chief of Staff
U. S. Environmental Protection Agency
202-564-6999

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA[]; N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA[]; N=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Bob Sussman/OU=DC/O=USEPA/C=US
Sent: Wed 6/24/2009 2:46:37 PM
Subject: Randy Pomponio Testimony Tomorrow on MTM

Lisa -- want to give you a heads-up that the R3 water division director, Randy Pomponio, is testifying before Cardin's water subcommittee tomorrow on MTM. He is the only Administration witness although state officials and outside experts are also testifying. We explored tapping another witness closer to the policy-making process but Cardin is intent on Randy testifying, apparently because he believes (correctly) that Randy is very familiar with the permitting process and the environmental impacts of MTM in Appalachia.

Deliberative

Deliberative

Happy to answer any questions.

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]; N=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]; N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]; N=Scott Fulton/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Adora Andy/OU=DC/O=USEPA/C=US@EPA[]; N=Adora Andy/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Seth Oster/OU=DC/O=USEPA/C=US
Sent: Wed 6/24/2009 4:46:03 PM
Subject: BREAKING: EPA Suppresses Internal Global Warming Study; CEI Calls for Agency to Release Concealed Report
http://cei.org/cei_files/fm/active/0/Endangerment%20Comments%206-23-09.pdf

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Alexandria, VA 22314
Ph. 703-548-1160
Cell Personal Privacy

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To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Scott Fulton/OU=DC/O=USEPA/C=US
Sent: Wed 6/24/2009 5:25:11 PM
Subject: Re: BREAKING: EPA Suppresses Internal Global Warming Study; CEI Calls for Agency to Release Concealed Report
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Sent: 06/24/2009 12:58 PM EDT
To: Seth Oster; Diane Thompson; Lisa Heinzerling; Marcia Mulkey; Bob Sussman; Arvin Ganesan; Scott Fulton
Cc: Allyn Brooks-LaSure; Adora Andy
Subject: Re: BREAKING: EPA Suppresses Internal Global Warming Study; CEI Calls for Agency to Release Concealed Report

Deliberative

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Cc: []
From: CN=Seth Oster/OU=DC/O=USEPA/C=US
Sent: Wed 6/24/2009 5:13:31 PM
Subject: Re: BREAKING: EPA Suppresses Internal Global Warming Study; CEI Calls for Agency to Release Concealed Report
http://cei.org/cei_files/fm/active/0/Endangerment%20Comments%206-23-09.pdf

Agreed.

We're also preparing for the release of the 44 coal ash sites -- we just briefed the PADs in all the regions to expect that announcement.

Also, we received no press calls on the Bronx Borough president's press conference yesterday.

I'll let you know shortly how things are unfolding here on this issue.

Seth

Seth Oster
Associate Administrator
Office of Public Affairs
Environmental Protection Agency
(202) 564-1918
oster.seth@epa.gov

From: Richard Windsor/DC/USEPA/US
To: Seth Oster/DC/USEPA/US@EPA
Date: 06/24/2009 12:54 PM
Subject: Re: BREAKING: EPA Suppresses Internal Global Warming Study; CEI Calls for Agency to Release Concealed Report

Silly

----- Original Message -----

From: Seth Oster
Sent: 06/24/2009 12:46 PM EDT
To: Richard Windsor; Diane Thompson; Lisa Heinzerling; Marcia Mulkey; Bob Sussman; Arvin Ganesan; Scott Fulton
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To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Scott Fulton/OU=DC/O=USEPA/C=US
Sent: Wed 6/24/2009 7:03:12 PM
Subject: Re: BREAKING: EPA Suppresses Internal Global Warming Study; CEI Calls for Agency to Release Concealed Report
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Sent: 06/24/2009 02:00 PM EDT
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Subject: Re: BREAKING: EPA Suppresses Internal Global Warming Study; CEI Calls for Agency to Release Concealed Report
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Subject: Re: BREAKING: EPA Suppresses Internal Global Warming Study; CEI Calls for Agency to Release Concealed Report
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Cc: Allyn Brooks-LaSure; Adora Andy
Subject: Re: BREAKING: EPA Suppresses Internal Global Warming Study; CEI Calls for Agency to Release Concealed Report

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To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Scott Fulton/OU=DC/O=USEPA/C=US
Sent: Wed 6/24/2009 6:12:06 PM
Subject: Re: BREAKING: EPA Suppresses Internal Global Warming Study; CEI Calls for Agency to Release Concealed Report
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From: CN=Diane Thompson/OU=DC/O=USEPA/C=US
Sent: Wed 6/24/2009 7:05:33 PM
Subject: Fw: Energy bill calls
[Carbon Tax final.doc](#)
[CBO Report Final.doc](#)
[Consumer Protection Final.docx](#)
[Endorsements final.doc](#)
[Energy Independence.docx](#)
[Low and Fixed Income Final.doc](#)
[Nuclear Final.docx](#)
[Renewables.docx](#)
[Small Refineries one-pager final.docx](#)
[Social Security Final.docx](#)

WH is asking you to make only 2 calls at this point. See below.

Diane E. Thompson
Chief of Staff
U. S. Environmental Protection Agency
202-564-6999
----- Forwarded by Diane Thompson/DC/USEPA/US on 06/24/2009 03:04 PM -----

From: "Lu, Christopher P." <[REDACTED] Personal Privacy>
To: "Archuleta, Katherine - OSEC" <Archuleta.Katherine@dol.gov>, "Navin, Jeffrey - OSEC" <Navin.Jeffrey@dol.gov>, <Thomas_Strickland@ios.doi.gov>, <Renee_Stone@ios.doi.gov>, <ana.ma@sba.gov>, "Norris, John -OSEC" <John.R.Norris@osec.usda.gov>, <carole.jett@osec.usda.gov>, <joan.deboer@dot.gov>, Diane Thompson/DC/USEPA/US@EPA, <Rod.OConnor@hq.doe.gov>
Date: 06/24/2009 01:57 PM
Subject: Energy bill calls

Katherine/Jeff, Tom/Renee, Ana, John/Carole, Joan, Diane, Rod –

Deliberative

--Chris

Gutierrez – Solis
Jackson-Lee – Salazar, Solis
Kirkpatrick – Mills
McIntyre – Vilsack
Michaud – Mills
Moore – Mills
Rahall – Salazar
Ruppersberger – LaHood
Salazar – Vilsack and Solis
Shuler – Vilsack and LaHood
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Foster – LaHood and Chu
Kaptur – Solis
Lance – Jackson

Deliberative

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WHY NOT A CARBON TAX?

- Cap and trade has emerged as the dominant proposal because it offers a way to guarantee targeted reductions in greenhouse gas emissions at lower costs than traditional command-and-control requirements.
- A tax does not guarantee a set level of reductions.
- As demonstrated by the acid rain program, cap-and-trade provides environmental certainty and has a proven record of delivering human health and environmental benefits at lower costs. There has been no evidence of market manipulation in the acid rain or other cap-and-trade markets.
- Cap and trade programs provide flexibility to regulated sources and allow businesses to choose their own compliance strategies. Emissions monitoring provides reliable data to evaluate results and the reconciliation process at the end of each compliance period ensures that the cap is met.

QUESTION:

- In recent years there have been a number of prominent examples of market manipulation such as the Enron and Amaranth cases. Do you believe the bill provides adequate protections against market manipulation?

ANSWER:

- The bill gives regulators authority and tools to protect against market manipulation, market power, and fraud. The bill also provides authority to address derivatives as well as spot markets. The bill includes provisions for enforcement and strict penalties in the event of any trading violations.

CBO REPORT

- CBO finds that the average annual cost per household in 2020 is **\$175**.
- CBO finds that families in the lowest 20% of the income distribution would actually be **\$40 per year** better off under the bill as result of its tax credits and energy rebates.
- CBO finds that the bill would **reduce budget deficits by \$24 billion** over the ten-year budget window (2010-2019). CBO estimates an increase in federal revenues of \$846 billion and an increase in direct spending of \$821 billion over 2010-2019.

QUESTION:

- Why should I support a bill that increases spending by an estimated \$821 billion?

ANSWER:

- While the bill would increase direct federal spending by that amount over 10 years, it would also simultaneously increase federal revenues by \$846 billion over the same time period. So **the bill reduces budget deficits by \$24 billion over 10 years**.
- More than 40% of the estimated revenue and spending reflects how CBO scores the free allowance allocation to electric and natural gas utilities that they use to protect customers from electricity price increases. CBO counts a free allowance as both revenue and outlay, even though the government does not actually receive or spend monies associated with those allowances.

QUESTION:

- What did CBO estimate would be the effect on households?

ANSWER:

- CBO finds that the average annual cost per household in 2020 is \$175. Before accounting for the benefits of reducing energy imports and combating climate change, **the net cost on the average household in 2020 is less than 50 cents per day**.

QUESTION:

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EPA recently released a study estimating the bill would cost American households \$80 to \$111 a year. This estimation is lower than that in the CBO report, which put average household costs at about \$175 a year.

CONSUMER PROTECTION

- ACES creates **5 programs to protect consumers** from energy price increases: one each for electricity, natural gas, and heating oil, plus rebates and tax credits for low-income families.
- Electricity utilities will receive 35% of allowances through 2025 to **prevent electricity rate increases** by providing rebates to reduce the fixed costs of consumer electricity bills.
- Natural gas utilities will receive 9% of allowances from 2016 through 2025, using two-thirds to **limit price increases** and one-third for energy efficiency programs.
- States will receive 1.5% of allowances through 2025 based on home heating oil usage, to be used for **rebates to consumers** and investments in energy efficiency.
- 15% of allowances will be used for tax credits and energy rebates for low-income families.
- As free allocations are phased out starting in 2026, the remaining allowances will be auctioned off with the **auction proceeds distributed to consumers through tax credits**.

QUESTION:

- Won't ACES increase household energy bills for families? Some people say that average annual costs will rise \$3,100 per household!

ANSWER:

- Opponents of ACES continue to cite the \$3,100 per household cost estimate, but an author of the cited study has denounced that figure as a blatant distortion, noting that "it's wrong in so many ways" and the true cost of domestic climate policy would be \$80 per family in 2015.
- The Congressional Budget Office estimates annual household cost of \$175 in 2020. The least well-off households—those in the bottom 20% of income—would see an average net annual *benefit* of about \$40 in 2020.
- CBO's estimate is conservative because it doesn't include potential savings from energy efficiency measures in the bill.

QUESTION:

- Won't Americans in the Midwest be the hardest hit by higher energy prices under ACES?

ANSWER:

- The bill aims to spur a clean energy economy, reinvigorate the Midwestern manufacturing base and protect Midwestern consumers. ACES gives local electricity distribution companies (LDCs) a share of free allowances based on their carbon emissions, which can protect those who rely on coal for electricity, and requires that they pass along those savings to consumers to protect them from rate increases on their electricity bills.

QUESTION:

- What stops these utilities from pocketing the allowance value and enjoying a windfall?

ANSWER:

- Profits of LDCs are easily observed and the legislation is clear in directing the LDCs to use allowances to lower costs to consumers. It would be impossible for LDCs to "pocket" the

allowances without being held accountable.

- State public utility commissions work in the public interest and have the authority to ensure that revenues from the sale of emission allowances are used for the benefit of consumers.

REDUCING OUR DEPENDENCE ON FOREIGN OIL

- ACES allocates through 2025 1-3% of emission allowances in investments for development and deployment of clean vehicles.
- ACES directs the Secretary of Energy to develop a plan for regional deployment of plug-in electric vehicles and, in conjunction with the EPA Administrator, move toward implementing a nationwide “smartgrid” that would be well-suited to support electric vehicles. This would lay the groundwork for a highly efficient transportation system that could break our dependence on foreign oil.

QUESTION: What does ACES do to break our dependence on foreign oil?

ANSWER: The transportation relies on oil for 97% of its energy. US consumers sent more than \$400 billion abroad last year for foreign oil. ACES begins the process of breaking our dependence on foreign oil. The bill includes a variety of provisions that will help reduce our dependence on foreign oil by making our methods of transportation more efficient. Through 2025, 1-3% of emissions allowances are allocated to investments in development and deployment of clean vehicles.

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Consumers Union
National Consumers League

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Constellation Energy
Duke Energy
Exelon
FPL Group
National Grid
NRG Energy Inc.
PG&E Corporation
PNM Resources

Environment

Audubon
Audubon Committee
Climate Communities Executive Committee
Defenders of Wildlife
Environmental Defense Fund
League of Conservation Voters
National Parks Conservation Association
National Wildlife
Natural Resources Defense Council
Pew Center on Global Climate Change
Sierra Club
The Nature Conservancy
The Wilderness Society
Union of Concerned Scientists
World Resources Institute
World Wildlife Fund

Labor

Communications Workers
Service Employees International Union
Building and Construction Trades Department, AFLCIO

Manufacturing, Industry and Corporate

Applied Materials
Avista
Clean Economy Network
Clif Bar

DuPont
eBay
Gap
GE
HP
Levi Strauss
National Venture Capital Association
Nike
PSE&G
Starbucks
Sun Microsystems
Symantec

Progressive, Health and Others

American Lung Assn
American Public Health Assn
Assn of State and Territorial Health Officials
Center for American Progress
Hip Hop Caucus
League of Women Voters
National Association of County and City Health Officials
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- ACES ensures consumers are protected from increases in utility bills, especially low-income individuals and families. The bill includes programs that lower prices of electricity, natural gas, and heating oil for all consumers.
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ANSWER:

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- Opponents of comprehensive energy and climate legislation claim the bill would cost this much based on a recent MIT study. The lead author of that study wrote the House Minority Leader to correct “a misrepresentation of our work by the National Republican Congressional Committee” (4/14/09 letter from John Reilly, MIT). In that letter, the author of the MIT analysis states that the cost in 2015 for the average household would be \$80 per family.

Deliberative

Deliberative

QUESTION:

- Why do we need an RES if we already have cap-and-trade?

ANSWER:

- The RES complements cap-and-trade by creating a stable investment environment to encourage development and deployment of the renewable energy sources we will need to meet our long-term emissions reduction goals. This stable environment will also promote job creation in the renewable energy sector.

QUESTION:

- Will the RES be difficult to implement?

ANSWER:

- No. Twenty-eight states in all regions of the country already have renewable electricity standards, and half of those states strengthened their standards because they were able to meet their goals so far in advance of the deadlines.

QUESTION:

- Won't an RES raise energy prices?

ANSWER:

- No. An April 2009 analysis by the Energy Information Administration of a more stringent 25% RES standard suggests that it will have no impact on the price of electricity through 2020.

SMALL OIL REFINERIES

ACES provides free allowances to small oil refiners. ACES also creates a special Small Business Refiner Reserve.

Between 2014 and 2026, **2%** of total emissions allowances are allocated to oil refineries, representing a total of nearly **1.3 billion allowances**. These allowances will be allocated for free to the refining industry, and small business refiners will capture a share of those allowances proportional to their share of industry-wide output. Those small oil refineries whose operations are less emissions-intensive will be eligible to receive a proportion of these allowances in excess of their output share.

QUESTION: Are there other allowances specially allocated for small oil refineries?

ANSWER: Yes. Small business refiners will receive an additional **0.25%** of total allowances allocated for each year from 2014 to 2026. This 0.25% represents nearly **159 million allowances** dedicated to small refiners over the course of program's phase-in period.

QUESTION: Do small oil refineries receive any other benefits under ACES?

ANSWER: Yes. In addition to the free allowances, small business oil refiners may purchase a significant number of allowances at a special auction. The bill creates a **Small Business Refiner Reserve** that will annually auction off **between 4.9% and 5.4%** of total emissions allowances to interested small business refiners. The Reserve will auction off up to **3.2 billion allowances** over its lifetime. Instead of operating like the normal market-based auction, the Reserve will sell its allowances at a set price that represents the average sale price of all allowances over the previous year. This averaging mechanism will shield small oil refiners from having to pay top dollar for allowances. The Reserve will be administered so that all small oil refineries will be able to fairly participate in the auction.

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SOCIAL SECURITY TRUST FUND

ACES will not change the year in which Social Security benefits would exceed tax revenue. (Current projections are that benefits outlays will surpass tax revenue in 2016, whether ACES is passed or not.)

On June 19, the Social Security Actuaries produced a “preliminary illustrative estimate” of the impacts of ACES on the Social Security Trust Fund. The Actuaries’ key findings are highlighted below.

- The change in net cash flow from 2010-2019 (\$16.8 billion) represents a mere two-tenths of one percent (0.2%) of projected revenue from Social Security payroll taxes (\$8.6 trillion) over the same time period.
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- This is a preliminary, illustrative estimate that does not take full account of all the provisions in the bill, especially those that promote energy efficiency and technological innovation.

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA[]; N=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA[]
From: CN=David McIntosh/OU=DC/O=USEPA/C=US
Sent: Wed 6/24/2009 7:12:50 PM
Subject: Re: Fw: Energy bill calls
[Carbon Tax final.doc](#)
[CBO Report Final.doc](#)
[Consumer Protection Final.docx](#)
[Endorsements final.doc](#)
[Energy Independence.docx](#)
[Low and Fixed Income Final.doc](#)
[Nuclear Final.docx](#)
[Renewables.docx](#)
[Small Refineries one-pager final.docx](#)
[Social Security Final.docx](#)

Deliberative

Deliberative Pls let me know if you would like more than the WH talking points below and the brief biographical information that I will email next.

From: Diane Thompson/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: Eric Wachter/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA
Date: 06/24/2009 03:05 PM
Subject: Fw: Energy bill calls

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Below are talking points, and attached are a variety of factsheets. Many thanks to your principals for doing this.

--Chris

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Jackson-Lee – Salazar, Solis
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League of Conservation Voters
National Parks Conservation Association
National Wildlife
Natural Resources Defense Council
Pew Center on Global Climate Change
Sierra Club
The Nature Conservancy
The Wilderness Society
Union of Concerned Scientists
World Resources Institute
World Wildlife Fund

Labor

Communications Workers
Service Employees International Union
Building and Construction Trades Department, AFLCIO

Manufacturing, Industry and Corporate

Applied Materials
Avista
Clean Economy Network
Clif Bar

DuPont
eBay
Gap
GE
HP
Levi Strauss
National Venture Capital Association
Nike
PSE&G
Starbucks
Sun Microsystems
Symantec

Progressive, Health and Others

American Lung Assn
American Public Health Assn
Assn of State and Territorial Health Officials
Center for American Progress
Hip Hop Caucus
League of Women Voters
National Association of County and City Health Officials
National Council of Churches
National Environmental Health Association
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- This is a preliminary, illustrative estimate that does not take full account of all the provisions in the bill, especially those that promote energy efficiency and technological innovation.

NUCLEAR POWER

- ACES would double the number of new nuclear plants being built by 2025 according to EPA modeling. Placing a market cap on carbon pollution creates a strong competitive advantage for carbon-free nuclear energy.
- ACES establishes a Clean Energy Deployment Administration to provide financing assistance to low-carbon energy sources, including nuclear. ACES also reforms the existing Department of Energy loan guarantee program to relieve the backlog of applications from proposed nuclear plants.

QUESTION:

- How will the Clean Energy Deployment Administration (CEDA) promote financing for nuclear power?

ANSWER:

- CEDA is an independent body within the Department of Energy that would provide loans to the private sector for research and development of a variety of energy technologies, including nuclear power. CEDA is self-sustaining, and it would be empowered to provide direct loans, loan guarantees, and letters of credit to support clean energy technologies that might otherwise be unable to secure financing.

QUESTION:

- Why isn't nuclear power included in the ACES Renewable Electricity Standard?

ANSWER:

- The RES provides no disincentive to the construction of new nuclear units. Under the Renewable Electricity Standard (RES), electricity generated from a new nuclear unit is not added to a utility's baseline electricity production level.
- As a result, the addition of a nuclear plant would not require a utility to obtain additional renewable electricity.

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ANSWER: Yes. Small business refiners will receive an additional **0.25%** of total allowances allocated for each year from 2014 to 2026. This 0.25% represents nearly **159 million allowances** dedicated to small refiners over the course of program's phase-in period.

QUESTION: Do small oil refineries receive any other benefits under ACES?

ANSWER: Yes. In addition to the free allowances, small business oil refiners may purchase a significant number of allowances at a special auction. The bill creates a **Small Business Refiner Reserve** that will annually auction off **between 4.9% and 5.4%** of total emissions allowances to interested small business refiners. The Reserve will auction off up to **3.2 billion allowances** over its lifetime. Instead of operating like the normal market-based auction, the Reserve will sell its allowances at a set price that represents the average sale price of all allowances over the previous year. This averaging mechanism will shield small oil refiners from having to pay top dollar for allowances. The Reserve will be administered so that all small oil refineries will be able to fairly participate in the auction.

RENEWABLE ELECTRICITY STANDARD

- ACES creates a Renewable Electricity Standard (RES) to spur the development of clean energy sources like wind and solar, encourage energy savings, and provide flexibility to governors in meeting the requirement.
- The RES requires utilities to meet a growing percentage of their load with electricity generated from renewable resources and electricity savings. The combined renewable electricity and savings requirement begins at 6% in 2012 and gradually rises to 20% in 2020, with up to 8% of this requirement coming from energy efficiency savings.

QUESTION:

- How does the RES work?

ANSWER:

- At least three-quarters (75%) of the RES requirement must be met by renewable energy usage, unless a state governor petitions the Federal Energy Regulatory Commission to reduce the renewable energy portion to three-fifths (60%) of the RES requirement. The remaining portion of the RES requirement will be met by electricity savings.
- As an example, when the RES standard reaches 20% in 2020, at least 15% of electricity generation must come from renewable energy, with the remaining 5% from electricity savings. Or, if FERC approved a governor's petition, the utility would only need to generate 12% from renewables, with the remaining 8% coming from electricity savings.

QUESTION:

- Can a utility meet the RES requirement without directly including renewable energy in its own portfolio?

ANSWER:

- Yes. ACES creates a market for tradable "Renewable Electricity Credits" (RECs) that are each equivalent to one megawatt-hour of renewable electricity. RECs can be bought and sold by different utilities, just like carbon allowances can be bought and sold under the ACES greenhouse gas cap.
- The REC market provides maximum flexibility and cost containment for electric utilities as they incorporate renewable energy into their portfolios. Utilities also have the option of paying a fixed price per megawatt-hour in lieu of surrendering RECs.

QUESTION:

- To what extent will the RES increase production of renewable energy?

ANSWER:

- An Energy Information Administration analysis on a less-stringent 15% renewable electricity standard found that all renewable energy production increases under an RES, with biomass generation expanding to three times the non-RES level, wind energy increasing almost 50%, and solar increasing fivefold.

QUESTION:

- Why do we need an RES if we already have cap-and-trade?

ANSWER:

- The RES complements cap-and-trade by creating a stable investment environment to encourage development and deployment of the renewable energy sources we will need to meet our long-term emissions reduction goals. This stable environment will also promote job creation in the renewable energy sector.

QUESTION:

- Will the RES be difficult to implement?

ANSWER:

- No. Twenty-eight states in all regions of the country already have renewable electricity standards, and half of those states strengthened their standards because they were able to meet their goals so far in advance of the deadlines.

QUESTION:

- Won't an RES raise energy prices?

ANSWER:

- No. An April 2009 analysis by the Energy Information Administration of a more stringent 25% RES standard suggests that it will have no impact on the price of electricity through 2020.

To: CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA[]; N=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA[]; N=Marcia Mulkey/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Adora Andy/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]; N=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]; N=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Seth Oster/OU=DC/O=USEPA/C=US
Sent: Wed 6/24/2009 8:02:25 PM
Subject: FINAL Statement on Endangerment Issue

Below is the final statement that is now going out.

Lisa -- we learned additional information today, including that some of the opinions presented by this individual did go forward to OAR. So we've included that.

There will be a lot of press on this. The statement is going now and backgrounding of reporters is underway.

Seth

This Administration and this EPA Administrator are fully committed to openness, transparency and science-based decision making. These principles were reflected throughout the development of the proposed Endangerment finding, a process in which a broad array of voices were heard and an inter agency review was conducted. In this instance, certain opinions were expressed by an individual who is not a scientist and was not part of the working group dealing with this issue. Nevertheless, several of the opinions and ideas proposed by this individual were submitted to those responsible for developing the proposed endangerment finding. Additionally, his manager allowed his general views on the subject of climate change to be heard and considered inside and outside the EPA and presented at conferences and at an agency seminar. The individual was also granted a request to join a committee that organizes an ongoing climate seminar series, open to both agency and outside experts, where he has been able to invite speakers with a full range of views on climate science. The claims that his opinions were not considered or studied are entirely false.

Seth Oster
Associate Administrator
Office of Public Affairs
Environmental Protection Agency
(202) 564-1918
oster.seth@epa.gov

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Seth Oster/OU=DC/O=USEPA/C=US
Sent: Wed 6/24/2009 9:13:13 PM
Subject: Re: FINAL Statement on Endangerment Issue

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- the actions of the supervisor demonstrate the opposite effect of muzzling someone
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I am seeking a review by OAR (or Lisa H). But my instinct is that we should just get it out so that we cannot be accused of hiding something because it may contain some bombshell we don't want the world to see.

Seth

Seth Oster
Associate Administrator
Office of Public Affairs
Environmental Protection Agency
(202) 564-1918
oster.seth@epa.gov

From: Richard Windsor/DC/USEPA/US
To: Seth Oster/DC/USEPA/US@EPA
Date: 06/24/2009 04:26 PM
Subject: Re: FINAL Statement on Endangerment Issue

Ok. I assume upon Q and A that you will put in the stuff abt how his views were considered and discredited by scientists.

----- Original Message -----

From: Seth Oster
Sent: 06/24/2009 04:02 PM EDT
To: Diane Thompson; Richard Windsor; Marcia Mulkey
Cc: Adora Andy; Allyn Brooks-LaSure; Bob Sussman; Lisa Heinzerling
Subject: FINAL Statement on Endangerment Issue
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To: "Richard Windsor" [Windsor.Richard@epamail.epa.gov]
Cc: thompson.diane@epa.gov[]
From: CN=David McIntosh/OU=DC/O=USEPA/C=US
Sent: Thur 6/25/2009 12:58:55 AM
Subject: Fw: Fw: Pew Keynote
~9071324 - redline.doc

I made an addition to your Pew speech around noon today. The attached redline document shows it. Diana just now asked that I send the redline directly to you, as she's not sure you received it through the normal channels. In case you can't see the redline text in the attachment, all I did was to insert the following after the first few introductory sentences (I have included here the bullet immediately preceding the section I added and the bullet immediately following the section I added, so that you can tell where the new section fits in):

Deliberative

Waxman-Markey Bill

Deliberative

Clean Water Act

Deliberative

----- Original Message -----

From: David McIntosh

Sent: 06/24/2009 12:07 PM EDT

To: Diane Thompson; Lisa Heinzerling; Michael Moats

Subject: Re: Fw: Pew Keynote

I'm just now waking up to the fact that this speech is part of the same conference that had a reception last night that I went to. The conference participants are spending a lot of time talking about the state-federal partnership in climate policy. For that reason, and because of what is going on in the House this

week, I recommend that LPJ lead with a brief discussion of the Waxman-Markey bill. Attached in redline is what I'd suggest.

From: David McIntosh/DC/USEPA/US
To: Michael Moats/DC/USEPA/US@EPA
Cc: Diane Thompson/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA
Date: 06/24/2009 11:14 AM
Subject: Re: Fw: Pew Keynote

I don't see in here anything that I would recommend changing in light of the unveiling of the Waxman/Peterson deal.

From: Michael Moats/DC/USEPA/US
To: Diane Thompson/DC/USEPA/US@EPA
Cc: David McIntosh/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA
Date: 06/24/2009 10:53 AM
Subject: Re: Fw: Pew Keynote

Here is the draft. There is actually very little on the legislation, given our overall lack of comment on it so far, and a few details as they pertain to issue of state and federal coordination. The only mention is on page 8. Let me know how you think we should proceed. Thanks.

Michael Moats
Speechwriter
US EPA | Office of the Administrator
Office: 202-564-1687
Mobile: Personal Privacy

From: Diane Thompson/DC/USEPA/US
To: Michael Moats/DC/USEPA/US@EPA
Cc: David McIntosh/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA
Date: 06/24/2009 10:09 AM
Subject: Fw: Pew Keynote

Can you send David McIntosh and Lisa Heinzerling a copy of the Pew keynote speech?
Thanks

Diane E. Thompson
Chief of Staff
U. S. Environmental Protection Agency
202-564-6999

----- Forwarded by Diane Thompson/DC/USEPA/US on 06/24/2009 10:07 AM -----

From: David McIntosh/DC/USEPA/US
To: Diane Thompson/DC/USEPA/US@EPA
Cc: Allyn Brooks-LaSure/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA
Date: 06/24/2009 10:06 AM
Subject: Re: Pew Keynote

Sure. Pls send text.

From: Diane Thompson/DC/USEPA/US
To: Lisa Heinzerling/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA
Cc: Richard Windsor/DC/USEPA/US@EPA
Date: 06/24/2009 10:01 AM
Subject: Pew Keynote

timing of this couldn't be more challenging. may I ask Lisa and David to review what has been prepared for Pew in light of the house bill, and make recommendations for changes/additions for the Adm to consider. the Adm is likely going to be asked to be calling members to urge a yes vote on the bill. i will ask Kate to hold the time before the speech so there is ample time to consider changes. Thanks

Diane E. Thompson
Chief of Staff
U. S. Environmental Protection Agency
202-564-6999

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Seth Oster/OU=DC/O=USEPA/C=US
Sent: Thur 6/25/2009 2:56:01 AM
Subject: Re: FINAL Statement on Endangerment Issue

Agreed. Lisa H. was unavailable late today (she was at the White House) so we asked Beth Craig in OAR -- who helped us with some of this today to make sure proper guidelines were followed in the public comment period -- to take the lead with a small group in her shop to very rapidly evaluate the study so we can release it. We stressed the need to do so as soon as possible tomorrow and she's committed to come back to us by 10 am on Thursday. We're on it.

Seth Oster
Associate Administrator
Office of Public Affairs
Environmental Protection Agency
(202) 564-1918
oster.seth@epa.gov

From: Richard Windsor/DC/USEPA/US
To: Seth Oster/DC/USEPA/US@EPA
Date: 06/24/2009 07:51 PM
Subject: Re: FINAL Statement on Endangerment Issue

I agree. Deliberative That's all.

----- Original Message -----

From: Seth Oster
Sent: 06/24/2009 05:13 PM EDT
To: Richard Windsor
Subject: Re: FINAL Statement on Endangerment Issue

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to see.

Seth

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From: Richard Windsor/DC/USEPA/US
To: Seth Oster/DC/USEPA/US@EPA
Date: 06/24/2009 04:26 PM
Subject: Re: FINAL Statement on Endangerment Issue

Ok. I assume upon Q and A that you will put in the stuff abt how his views were considered and discredited by scientists.

----- Original Message -----

From: Seth Oster
Sent: 06/24/2009 04:02 PM EDT
To: Diane Thompson; Richard Windsor; Marcia Mulkey
Cc: Adora Andy; Allyn Brooks-LaSure; Bob Sussman; Lisa Heinzerling
Subject: FINAL Statement on Endangerment Issue
Below is the final statement that is now going out.

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Seth

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To: "Richard Windsor" [Windsor.Richard@epamail.epa.gov]; Lisa Heinzerling
[Heinzerling.Lisa@epamail.epa.gov]
From: CN=David McIntosh/OU=DC/O=USEPA/C=US
Sent: Thur 6/25/2009 11:57:39 AM
Subject: Fw: House floor update

Good news. None of the anti-EPA, GHG-related amendments that we've been seeing will receive a vote in the House floor debate over the Interior Approps bill.

----- Original Message -----

From: Ed Walsh
Sent: 06/25/2009 07:53 AM EDT
To: Ed Walsh
Cc: Arvin Ganesan; David McIntosh; Diane Thompson; Josh Lewis; Joyce Frank; Maryann Froehlich; Rebecca White; Sarah Dunham; "Beth Craig" <craig.beth@epa.gov>; Jerry Kurtzweg; "Becky Higgins" <higgins.becky@epa.gov>
Subject: House floor update
. We got our rule last night. Only 7 substantive amendments. None of the GhG amendments made it into the rule.

Thanks to everyone for all the talking points and the quick turn around. It worked!

Thanks

Ed

----- Original Message -----

From: Ed Walsh
Sent: 06/24/2009 04:40 PM EDT
To: Ed Walsh
Cc: Arvin Ganesan; David McIntosh; Diane Thompson; Josh Lewis; Joyce Frank; Maryann Froehlich; Rebecca White; Sarah Dunham
Subject: Re: Fw: Terry Amendment #3 on indirect emssions from land use changes -- House Floor Amendment
Here are the talking points on this amendment. These have been reviewed and approved by Gina and sent to HAC.

[attachment "Terry Amend talking points.doc" deleted by Ed Walsh/DC/USEPA/US]

Thanks

Ed

Ed Walsh
Appropriations Liaison
Office of the Chief Financial Officer
U.S. EPA
202-564-4594

From: Ed Walsh/DC/USEPA/US
To: David McIntosh/DC/USEPA/US@EPA
Cc: Arvin Ganesan/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Josh Lewis/DC/USEPA/US@EPA, Joyce Frank/DC/USEPA/US@EPA, Maryann Froehlich/DC/USEPA/US@EPA, Rebecca White/DC/USEPA/US@EPA, Sarah Dunham/DC/USEPA/US@EPA
Date: 06/24/2009 12:28 PM
Subject: Re: Fw: Terry Amendment on indirect emissions from land use changes -- House Floor Amendment

Sorry everyone. . . the text was on the original email --not sure why it disappeared.

Here is scanned version of the text of the amendment.

[attachment "Terry Amendment.doc" deleted by Ed Walsh/DC/USEPA/US]

Thanks

Ed

Ed Walsh
Appropriations Liaison
Office of the Chief Financial Officer
U.S. EPA
202-564-4594

From: David McIntosh/DC/USEPA/US
To: Ed Walsh/DC/USEPA/US@EPA
Cc: Arvin Ganesan/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Josh Lewis/DC/USEPA/US@EPA, Joyce Frank/DC/USEPA/US@EPA, Maryann Froehlich/DC/USEPA/US@EPA, Sarah Dunham/DC/USEPA/US@EPA, Rebecca White/DC/USEPA/US@EPA
Date: 06/24/2009 12:14 PM
Subject: Re: Fw: Terry Amendment on indirect emissions from land use changes -- House Floor Amendment

No text attached. Sarah and Rebecca are program lead on this.

From: Ed Walsh/DC/USEPA/US
To: Arvin Ganesan/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Josh Lewis/DC/USEPA/US@EPA, Joyce Frank/DC/USEPA/US@EPA
Cc: Maryann Froehlich/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA
Date: 06/24/2009 12:08 PM
Subject: Fw: Terry Amendment on indirect emissions from land use changes -- House Floor Amendment

Wanted to pass along this note I just sent to OAR. The indirect land use amendment will resurface on the House floor. Here is the text of the amendment.

We are being asked for impacts and talking points.

When I get something from OAR -- I will make sure everyone is in the loop and blessed before it goes to the House.

Thanks

Ed

Ed Walsh
Appropriations Liaison
Office of the Chief Financial Officer
U.S. EPA
202-564-4594

----- Forwarded by Ed Walsh/DC/USEPA/US on 06/24/2009 12:05 PM -----

From: Ed Walsh/DC/USEPA/US
To: Becky Higgins/DC/USEPA/US@EPA, Jerry Kurtzweg/DC/USEPA/US@EPA, Beth Craig/DC/USEPA/US@EPA
Date: 06/24/2009 12:04 PM
Subject: Fw: Terry Amendment on indirect emissions from land use changes

Becky, Jerry, Beth

Wanted you all to see the latest from Delia on a house floor amendment.

I will also give the 3rd floor a heads up.--- (Arvin, David M.)

Thanks

Ed

Ed Walsh
Appropriations Liaison
Office of the Chief Financial Officer
U.S. EPA
202-564-4594

----- Forwarded by Ed Walsh/DC/USEPA/US on 06/24/2009 12:02 PM -----

From: "Scott, Delia" <Delia.Scott@mail.house.gov>
To: Ed Walsh/DC/USEPA/US@EPA
Date: 06/24/2009 10:46 AM
Subject: Terry Amendment on indirect emissions from land use changes

Emerson amendment has become terry Amendment with changes.... Need impact... why this is bad, asap. Then
TPs ,later today.

d-

DRAFT

1

Administrator Lisa P. Jackson
Pew Center for Climate Change
June 25, 2009

Deliberative

Deliberative

Deliberative

Deliberative

Deliberative

Deliberative

Deliberative

Deliberative

Deliberative

Deliberative

Deliberative

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Seth Oster/OU=DC/O=USEPA/C=US
Sent: Thur 6/25/2009 12:03:39 PM
Subject: Re: FINAL Statement on Endangerment Issue

Diane suggested Beth.

I'll make sure Gina is looped in as well.

----- Original Message -----

From: Richard Windsor
Sent: 06/25/2009 12:28 AM EDT
To: Seth Oster
Subject: Re: FINAL Statement on Endangerment Issue
Where was Gina McCarthy?

----- Original Message -----

From: Seth Oster
Sent: 06/24/2009 10:56 PM EDT
To: Richard Windsor
Subject: Re: FINAL Statement on Endangerment Issue
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From: Richard Windsor/DC/USEPA/US
To: Seth Oster/DC/USEPA/US@EPA
Date: 06/24/2009 07:51 PM
Subject: Re: FINAL Statement on Endangerment Issue

I agree. **Deliberative** That's all.

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From: Seth Oster

Sent: 06/24/2009 05:13 PM EDT
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To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Seth Oster/OU=DC/O=USEPA/C=US
Sent: Thur 6/25/2009 12:09:44 PM
Subject: Re: FINAL Statement on Endangerment Issue

Will do first thing.

----- Original Message -----

From: Richard Windsor
Sent: 06/25/2009 08:08 AM EDT
To: Seth Oster

Subject: Re: FINAL Statement on Endangerment Issue

Oh - you know just realized that Diane probably said Beth b/d Gina wasn't and when all this happened. That said, I agree. That you need to loop Gina in. Tx.

----- Original Message -----

From: Seth Oster
Sent: 06/25/2009 08:03 AM EDT
To: Richard Windsor
Subject: Re: FINAL Statement on Endangerment Issue

Diane suggested Beth.

I'll make sure Gina is looped in as well.

----- Original Message -----

From: Richard Windsor
Sent: 06/25/2009 12:28 AM EDT
To: Seth Oster
Subject: Re: FINAL Statement on Endangerment Issue

Where was Gina McCarthy?

----- Original Message -----

From: Seth Oster
Sent: 06/24/2009 10:56 PM EDT
To: Richard Windsor
Subject: Re: FINAL Statement on Endangerment Issue

Agreed. Lisa H. was unavailable late today (she was at the White House) so we asked Beth Craig in OAR -- who helped us with some of this today to make sure proper guidelines were followed in the public comment period -- to take the lead with a small group in her shop to very rapidly evaluate the study so we can release it. We stressed the need to do so as soon as possible tomorrow and she's committed to come back to us by 10 am on Thursday. We're on it.

Seth Oster
Associate Administrator
Office of Public Affairs
Environmental Protection Agency
(202) 564-1918

oster.seth@epa.gov

From: Richard Windsor/DC/USEPA/US
To: Seth Oster/DC/USEPA/US@EPA
Date: 06/24/2009 07:51 PM
Subject: Re: FINAL Statement on Endangerment Issue

I agree. **Deliberative** That's all.

----- Original Message -----

From: Seth Oster
Sent: 06/24/2009 05:13 PM EDT
To: Richard Windsor
Subject: Re: FINAL Statement on Endangerment Issue
We are being very aggressive on-background. We are hitting multiple points:

- the actions of the supervisor demonstrate the opposite effect of muzzling someone
- his peers dismissed his opinions as not grounded in science
- where at least a few of his points were deemed based in science, they were in fact included in what went to OAR
- he was consistently accommodated by being allowed to express his views at conferences and seminars

Our challenge now is that reporters all are asking us to release his "study" and opinions. I don't see this story going away if we refuse. Apparently, according to folks in OPEI the conclusions will not be taken seriously by any informed consumer. However, for the layman -- i.e., reporters -- it may not land with the same thud.

I am seeking a review by OAR (or Lisa H). But my instinct is that we should just get it out so that we cannot be accused of hiding something because it may contain some bombshell we don't want the world to see.

Seth

Seth Oster
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From: Richard Windsor/DC/USEPA/US
To: Seth Oster/DC/USEPA/US@EPA
Date: 06/24/2009 04:26 PM
Subject: Re: FINAL Statement on Endangerment Issue

Ok. I assume upon Q and A that you will put in the stuff abt how his views were considered and discredited by

scientists.

----- Original Message -----

From: Seth Oster

Sent: 06/24/2009 04:02 PM EDT

To: Diane Thompson; Richard Windsor; Marcia Mulkey

Cc: Adora Andy; Allyn Brooks-LaSure; Bob Sussman; Lisa Heinzerling

Subject: FINAL Statement on Endangerment Issue

Below is the final statement that is now going out.

Lisa -- we learned additional information today, including that some of the opinions presented by this individual did go forward to OAR. So we've included that.

There will be a lot of press on this. The statement is going now and backgrounding of reporters is underway.

Seth

This Administration and this EPA Administrator are fully committed to openness, transparency and science-based decision making. These principles were reflected throughout the development of the proposed Endangerment finding, a process in which a broad array of voices were heard and an inter agency review was conducted. In this instance, certain opinions were expressed by an individual who is not a scientist and was not part of the working group dealing with this issue. Nevertheless, several of the opinions and ideas proposed by this individual were submitted to those responsible for developing the proposed endangerment finding. Additionally, his manager allowed his general views on the subject of climate change to be heard and considered inside and outside the EPA and presented at conferences and at an agency seminar. The individual was also granted a request to join a committee that organizes an ongoing climate seminar series, open to both agency and outside experts, where he has been able to invite speakers with a full range of views on climate science. The claims that his opinions were not considered or studied are entirely false.

Seth Oster

Associate Administrator

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To: "Richard Windsor" [Windsor.Richard@epamail.epa.gov]
From: CN=Robert Goulding/OU=DC/O=USEPA/C=US
Sent: Thur 6/25/2009 1:20:51 PM
Subject: Fw: Material for first two meetings tomorrow
[Event Details Pew.doc](#)
[20090625 Pew Climate Change \(2\).doc](#)
[VPOTUS ARRA MEETING524.doc](#)
[ARRA Usage June 23.xls outlays.xls](#)

Let me know if u have any problems opening it.

----- Original Message -----

From: Robert Goulding

Sent: 06/24/2009 03:50 PM EDT

To: Megan Cryan **Personal Privacy**

Subject: Material for first two meetings tomorrow

Pew Center:

VP - ARRA meeting:

Note, that some of this may change - if so, I'll send you revised info. Thanks!

Robert Goulding
US EPA - Office of the Administrator
1200 Pennsylvania Ave., NW
Washington, DC 20460
(p) 202-564-0473 - (f) 202-501-1450

*Please consider the environment before printing this e-mail

Event Details

Name of Event: Innovative Approaches to Climate Change Policy: Workshop on State-Federal Interactions

Event Location: Newseum (Entrance on 6th St off of Pennsylvania)—7th Floor

Sponsor(s): Pew Center on Global Climate Change, NACAA, Georgetown Climate Center, Pew center on the States

Site Contact: Pat Hogan c. **Personal Privacy**

Press: OPEN (Note: NYtimes, LATimes may be present)

Expected Attendance: 150

Lead Advance: Sarah Dale c. **Personal Privacy**

Staff: Rob Goulding c. **Personal Privacy**

Security Advance: **Personal Privacy**

OPA Contact: Adora Andy c. **Personal Privacy**

Event Description: YOU will give a keynote address on the concluding day of the two-day Pew conference. The conference is comprised of a series of workshop focused on state and federal action in response to climate change. This event brings together legislative staff and officials from both the state and federal levels to share their experience developing climate policies, and to discuss the appropriate roles of each level of government in implementing future national policy. Participants are set to explore how federal policy might be informed by, and interact with, existing state efforts. Wisconsin Governor Jim Doyle will have already spoken earlier that morning. YOU will enter from the back of large rectangular room, walk to the front, and turn left to reach a small dais—there is a seat next to the podium. After remarks, there may be a small press gaggle in a hold room off the main hallway.

Program:

9:00-10:00am—Panel on Electricity: Energy Efficiency and Renewables
Mark Shanahan, moderator (Ohio Air Quality Development Auth)
Karl Rabago (Distributed Energy Services)
Frank Murray (NYSERDA)
Marsha Smith (ID Public Utilities)

10:00am—Introduction by Eileen Claussen, President—Pew Center on Global Climate Change

10:05-10:20am—LPJ gives remarks

10:20-10:30am—Possible press gaggle (Green Room 707)

VPOTUS ARRA MEETING
June 24, 2009

General:

- EPA has obligated over 66% of its ARRA funds – with over 98% of its DERA funds in the hands of our state partners.
- 69% of the CW SRF funds, 64% of the DW SRF and 63% of our Superfund dollars have now moved out of the Agency.
- We are also seeing the acceleration of those obligated funds moving downstream to communities and into the hands of America's workforce. We are seeing our stimulus dollars work the way they were intended.
- While we continue to focus on awarding grants and contracts, EPA is moving into the second, and perhaps most important phase of ARRA implementation - the management and oversight of the use of ARRA funds.
- We have been actively engaged in monitoring how our ARRA funds are used and recently were able to rebut all criticisms of EPA projects that were cited by Senator Coburn in his 100 day report.

Major actions taken in the past two weeks:

- EPA awarded \$400,000 in ARRA funds to clean up the Eureka Mills Superfund site in Utah. The funds will be used to accelerate ongoing cleanup activities at the site, boosting the local economy while also protecting public health and the environment. Additional site-specific information may be found at <http://www.epa.gov/superfund/eparecovery/index.html>.
- EPA's Region 6 office (Dallas, TX) awarded \$3.7 million to the North Central Texas Council of Governments that will upgrade and replace diesel vehicles; fund verified SmartWay emission reducing technologies on long-haul trucks; and replace or repower heavy-duty diesel vehicles operating in North Texas.

- EPA awarded almost \$4 million in ARRA funds to help clean up the Cherokee County site in southeastern Kansas. The funds will be used to support the initial base year of cleanup work at the Badger and Lawton subsites, consisting of excavation, capping, and re-vegetation of approximately 120 acres that contain approximately 700,000 cubic yards of mine waste. Additional site-specific information for the site can be found at www.epa.gov/superfund/eparecovery/index.html.
- EPA announced ARRA funding for Drinking Water infrastructure projects in West Virginia (\$15.6M) and Ohio (\$133.1M).
- EPA announced ARRA funding for Water Quality Management projects in the states of Ohio, Missouri, California, North Carolina, Iowa, Oklahoma and Louisiana totaling \$7.9 M.
- EPA awarded ARRA funding for Clean Water infrastructure projects in the states of Alaska and Oregon totaling \$67.8M and announced funding for water infrastructure projects in Delaware and Colorado totaling \$44.3M.

Major Activities Planned:

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Deliberative

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Deliberative

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Deliberative

Administrator Lisa P. Jackson
Pew Center for Climate Change
June 25, 2009

Open – State-Federal Coordination

- I had a chance to speak at this forum last year as a panelist, and it is great to be back again this year.
- Throughout my career, state and federal coordination has been a big part of my work.
- Last time I was here, I was representing the state of New Jersey as the Director of the state Department of Environmental Protection. I've worked on these issues in state government.
- Right now, I'm working on them in Washington, as part of the federal government.

- And before all that, I was with EPA in Region 2 – working for the federal government on local, state and regional issues.
- So, this is something I have a lot of experience with.
- I've seen the difference we can make on urgent, environmental issues when we coordinate effectively. And I've seen what can go wrong – how it can affect the lives of families and communities – if that coordination isn't there.

Waxman-Markey Bill

- As you all know, the House of Representatives is likely to vote Friday on historic legislation that seeks to transform the way we produce and use energy in America.

- The bill includes within it provisions designed to establish a true state-federal partnership to achieve large energy savings, strong growth in clean-energy businesses and technologies, and responsible cuts in greenhouse-gas pollution.
- I am pleased to see that the bill has earned the endorsement of the National Association of Clean Air Agencies, an organization that has consistently urged Congress to recognize the key role that states' innovative efforts play in building a nation-wide clean energy economy.
- We of course will have a lot more work to do to ensure effective and efficient state-federal coordination on energy and climate policy. A successful vote in the House this Friday will allow us to continue that work.

- So I sincerely hope that the members of the House will come together and pass the American Clean Energy and Security Act.

Clean Water Act

- We know how important state-federal interactions are going to be in that effort. It's a lesson we're learning right now with existing laws in the Clean Water Act.
- Two recent Supreme Court Decisions have created confusion about where, under the Clean Water Act, state and federal actions begin and end.
- During the transition, I remember hearing an alarming figure that EPA staff spends almost half and sometimes more of their time working with states to determine whether they have jurisdiction to issue a permit or to take an enforcement action.

- These are cases where there is a visible impact to water quality, or where a well-planned development is being held up. But there is little clarity on whether or not “water” means water, or what wetlands are, or are not, regulated.
- That confusion stalls necessary action. We want to make sure that is not the norm as we work to confront not only water issues, but climate change and the host of environmental issues ahead of us.
- We want to partner with you, and help you partner with each other on this and other initiatives. I’m glad to be here today as a first step in that rebuilding process.

Things Have Changed

- Things have changed considerably since I attended this forum last year. For one, if you had told me that I would be here in this role, I would never have believed you.
- Second, there has been considerable change in the engagement of the Administration. This year, we sent representatives from the Offices of Air and Radiation and Transportation and Air Quality, as well as someone from the Department of Labor.
- But of course, the most important change is in the challenges we face, and the approaches that we're taking towards them.
- This is a unique moment. On the one the one hand, we have the most significant economic challenges that we've seen in generations. On the other hand, we have no time to lose in confronting the rapid escalation of climate change.

- I've spent my career working on environmental protection issues. I've seen countless situations where action on environmental challenges was put on hold because of the economic concerns.
- Today, we're seeing a long-overdue shift in that attitude.
- President Obama has made clear that we don't have to choose between a green economy and a green environment. We're moving forward with environmental priorities specifically because of our economic challenges – not in spite of them.
- Our recently passed Recovery Act contains more than \$80 billion for sustainable, innovative clean energy.
- We're working to double renewable energy use in the next three years, and have a goal to cut more than 80% of greenhouse gas emissions by midcentury. And we

plan to invest \$150 billion over ten years in energy research and development.

- We're investing in energy conservation techniques that cut costs and create jobs where they're needed most.
- Efficiency measures included in the American Clean Energy and Security Act would lower consumer spending on utility bills by roughly 7 percent in 2020.
- Along with legislation, the House of Representatives is undertaking an effort to green the capital building. That will save tax payer dollars, reduce our environmental footprint, and offer a powerful symbol that the United States wants to lead these efforts.
- We see some pretty incredible possibilities there. In London, they recently replaced the exterior lights at Buckingham Palace with LED lighting. Today, lighting the entire façade of Buckingham Palace requires less

energy than it takes to run an electric teakettle¹.

- Investments are taking hold at the local level as well. A central initiative of the Recovery Act provides billions of dollars to weatherize low-income housing. That will put more than 80,000 Americans to work – while it saves families hundreds of dollars a year in energy bills.
- We also get a good cut in greenhouse gas emissions in the bargain. It helps communities that stand to benefit the most from higher employment, lower electricity bills, and cleaner air – all in one policy.
- We're also putting people to work by refocusing on core priorities – our “meat and potatoes” issues like air pollution, water quality, and toxic cleanups.

¹ “Since then, the palace has installed the lighting in chandeliers and on the exterior, where illuminating the entire facade uses less electricity than running an electric teakettle.” SOURCE: *New York Times* May 29, 2009. “Green Promise Seen in Switch to LED Lighting.” <http://www.nytimes.com/2009/05/30/science/earth/30degrees.html>

- EPA is currently investing more than \$7 billion in “shovel ready” projects – things like refurbished water infrastructure, cleanup of Brownfield and Superfund sites, projects to cut emissions in diesel engines, and repair work on leaking underground storage tanks that are polluting land and groundwater supplies.
- Finally, as we look down the road, the need for environmental and economically coordinated choices becomes even greater.
- We see clear evidence for what President Obama meant earlier this week when he said, “The nation that leads in the creation of a clean energy economy will be the nation that leads the 21st century global economy.”
- Over the next 30 years, the global population is expected to grow by 2.2 billion people.

- The vast majority will be born in cities, and will need new, energy-intensive urban infrastructure, energy-intensive water processing, and energy-intensive food production.
- According to the UN Industrial Development Organization, industrial energy use in developing countries already equals that of developed countries – and it's growing eight times faster. In the ever expanding global market, enormous amounts of energy are used to move everything from raw materials and finished products to information and labor.
- So, looking at this from a strictly economic point of view – without even considering the climate or environmental impacts – we know that we won't be able to meet our needs with a business-as-usual approach.

- If you factor in the cost to our planet – which I know you will – it's clear that a sustainable future isn't possible without protecting our environment as we create economic opportunities.

Abundance of Regional and State Actions

- Another major change is the need to integrate federal efforts with the abundance of state and regional actions already in place.
- In recent years, the absence of significant leadership at the national level has led many of you to take matters into your own hands.
- As we step up our role and develop federal strategies to fight climate change and create a clean energy

economy, there is a broad patchwork of local issues to contend with.

- We see the growing prospect for offshore wind farms in Massachusetts, and growing concerns about offshore drilling in Florida and Virginia.
- We have a burgeoning clean energy industry taking root in states like Nevada, Texas, and Colorado. And we see concerns about rising energy costs in rust belt communities that rely on coal to power their homes and businesses.
- We have a tremendous amount of political will emerging from the West coast. We have agricultural interests in rural areas who are eager to grow renewable fuel for the country, but concerned that EPA is going to force family farms to count every cow burp.

- We have the Regional Greenhouse Gas Initiative, the Western Climate Initiative, the Midwest Greenhouse Gas Reduction Accord, an individual cap-and-trade system in Florida.
- All of these factors affect our decision making.
- It's what we must confront to as we take on national projects – like the creation of a smart-grid that crosses a local, state, and federal jurisdictions.
- It's what we continue to work through with the climate legislation moving through Congress right now.
- But let me assure you: whatever the challenges, we're not going to hide behind these concerns as an excuse for inaction.

- In certain cases, we can even leverage those concerns to move an issue forward – like we did with the recent announcement on improved auto emissions standards.
- President Obama brought all the stakeholders to the table. He was able to transform a debate about an inconsistent and costly patchwork of standards into a coalition supporting clear, uniform, and progressive changes.

Close

- Let me close on something of a personal note.
- Around this room there is a tremendous collection of talent, expertise, and dedication to the important work of protecting our health and the environment.
- That goes for everyone from the leaders of our state environmental agencies to the elected officials to the

NGOs that are with us today. Our hosts at Pew have some of the most talented and committed people in the field, from President Claussen to the Regional Policy Coordinators doing the work on the ground.

- It is this wealth of talent and expertise that I remember in the times when the responsibilities of this work seems overwhelming.
- I speak for EPA when I say that we're counting on your partnership to help us advance the urgent environmental issues of the day, particularly climate change.
- But I speak for myself when I say I'm counting on your help – on your counsel, your hard work, and your understanding.

- We are at a moment when we have greater opportunities to protect human health and the environment than any other time.
- It's inspiring to know that across the nation, you are all part of that effort.
- The EPA is once again guided by an ambitious vision of public health protection and environmental preservation. And as partners you are essential to that vision.
- I can't think of a higher calling than coming back here to work with you to address the urgent, ongoing and – in many cases – long overdue environmental issues our nation faces.
- Thank you very much.

American Recovery & Reinvestment Act Environmental Protection Agency <i>As of June 23, 2009</i>							
Programs	Total ARRA Appropriation	Management & Oversight *	ARRA Program Allocation	Total Obligations as of 06/23/2009	% of ARRA Program Allocation as of 06/23/2009	Federal Funding to States, local, and Tribes (Formula) as of 06/23/2009	Obligations to States, locals, and Tribes as of 06/23/2009
Clean Water SRF	\$4,000,000,000	\$31,000,000	\$3,969,000,000	\$2,685,042,185	67.7%	\$3,909,000,000	\$2,685,042,185
Drinking Water SRF	\$2,000,000,000	\$20,000,000	\$1,980,000,000	\$1,254,329,000	63.3%	\$1,950,000,000	\$1,254,329,000
State Clean Diesel Grant Program	\$300,000,000	\$6,000,000	\$294,000,000	\$96,318,309	32.8%	\$88,230,000	\$86,499,957
LUST Trust Fund Program	\$200,000,000	\$3,000,000	\$197,000,000	\$7,066,000	3.6%	\$190,700,000	\$7,066,000
Superfund	\$600,000,000	\$18,000,000	\$582,000,000	\$368,513,620	63.3%	\$0	\$0
Brownfields	\$100,000,000	\$3,500,000	\$96,500,000	\$0	0.0%	\$0	\$0
EPA Inspector General	\$20,000,000	\$0	\$20,000,000	\$717,920	3.6%	\$0	\$0
Total	\$7,220,000,000	\$81,500,000	\$7,138,500,000	\$4,411,987,035	61.8%	\$6,137,930,000	\$4,032,937,142

* To date, OMB has apportioned \$40,750 million for Management and Oversight (M&O). The remaining M&O dollars will be apportioned by OMB in the 4th Quarter of FY 2009. M&O Obligations to date are \$3,678,163.

** ARRA Formula Block Grant Allocations completed and submitted to OMB as of June 23, 2009.

Programs	Outlays \$
Clean Water SRF	\$9,041,812
Drinking Water SRF	\$800,607
State Clean Diesel Grant Program	\$1,941,736
LUST Trust Fund Program	\$0
Superfund	\$2,998,602
Brownfields	\$0
EPA Inspector General	\$681,694
M&O	\$2,070,056
Total:	\$17,534,507

% of State, local, and Tribal Allocations as of 06/23/2009	
	68.7%
	64.3%
	98.0%
	3.7%
	0.0%
	0.0%
	65.7%

M&O Obligations to date are